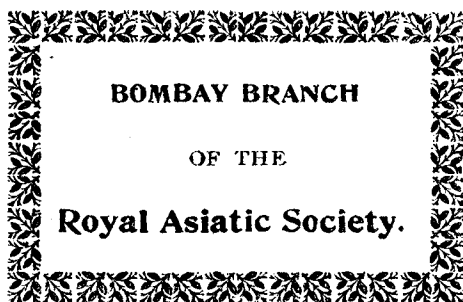




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THE
HISTORY
OF
THE BRITISH EMPIRE,
FROM
THE ACCESSION OF JAMES THE FIRST.

TO WHICH IS PREFIXED A REVIEW OF THE PROGRESS OF ENGLAND FROM THE
SAXON PERIOD TO THE LAST YEAR OF THE REIGN OF
QUEEN ELIZABETH, 1603.

BY JOHN MACGREGOR, M.P.

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THE
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OF
THE BRITISH EMPIRE.

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5.	Lands and Exchequer of the Jews	dclxxxviii

ERRATA.

Page lxxxvi, line 4 from bottom, for *brother*, read *nephew*.—cxiii, line 5 from bottom, for *countries*, read *country*.—clxii, line 8 from bottom, for *lodges*, read *judges*.—clxii, line 6 from bottom, for *offered*, read *affixed*.—clxv, line 4, for *yeoman*, read *yeomen*.—cxcviii, dele note †, inserted by mistake.—cxcix, line 4, and next page, line 3, for *Burton*, read *Barton*.—ccvi, line 14, after *regency*, read *were incurred*.—ccxciv, for *possibly*, read *probably*; and following page, line 22, for *who*, read *whom*.—dlv, line 3, for *crockery*, read *cookery*.—dlxxxvi *ei seq.*, for *Rushwood*, read *Rushworth*.—dcxlviii, last line, for *Prynne*, read *Pride*.—dcxlix, line 6, for *Prynne*, read *Pride*.—dclvi, for *Meldon*, read *Wellwood*.

HISTORY

OF

THE BRITISH EMPIRE.

INTRODUCTION.

THE task which I have undertaken embraces the history of deeds and events far greater in their magnitude,—in their effects,—and in their power, than all the mighty events and deeds recorded in the history of the Roman Empire.

I have endeavoured to trace the rise and progress of a nation which was in utter obscurity, and whose people justly ranked as barbarians, at the period when Greece had declined into a Roman province,—and when Rome had acquired imperial domination over all the States of Europe, from the forests of Germany, the Carpathians, and the Dniester, south to the shores of the Mediterranean,—from the Pillars of Hercules to the banks of the Hellespont;—over all Asia Minor, from the Propontis to Scanderoon and Colchis,—from the Euxine to the Levant,—over all the islands of the Mediterranean,—over Palestine,

and Syria, and Mesopotamia, beyond the Euphrates;—and over all Africa, north of the Atlas—from the Atlantic Ocean to the Red Sea.

I have briefly noticed the Roman period of British history—the barbarism and misery which followed—the rise of the Saxon power—the introduction and establishment of Christianity—the Saxon government and laws—and the domestic condition of England on the arrival of the Normans.

I have endeavoured briefly to exhibit the degraded condition of England under the Norman tyranny, and to show how the Anglo-Saxons and their language survived, and finally rose and expanded over feudal oppression, and became, in strength and grandeur, independent of foreign domination. The growth and progress—the benefits and disadvantages, of the exorbitant power acquired in England by the Romish Church; the struggles of the English people against their kings for their civil and political liberties, and for the re-establishment of the Saxon or common law, in order to restrain feudal authority and to resist arbitrary taxation, have all required a dispassionate and important consideration.

I have pointed out the effects of the wars between England and France, and the fortunate results of the former power having been expelled from the territories of the latter—first, in the reign of King John, and second, in the reign of Henry VI. I have likewise exposed the evils which have attended all the wars of England upon the continent of Europe; and I have endeavoured faithfully to narrate all those facts on the best authorities, and to arrive, without bias, at just conclusions.

On the other hand, I have endeavoured to trace the blessings and advantages which have been experienced during peace by the British nation, and to show the benefits derived from the pursuits of agriculture, manufactures, commerce, and navigation, and the consequent wealth and power, and civil, political, and religious liberty, acquired by the people. My object has been to render this history instructive, as far as possible, to those who have not the benefits of a liberal education, and to those of the people who have not the advantage of a general library, to enable them to form a just estimate of their country, its history, progress, resources, institutions, laws, constitution, and government.

The disasters of the civil wars of the Roses, contrasted with the blessings of peace, afford lessons which enable us to deprecate the calamities of armed violence, and to appreciate the benefits of domestic tranquillity; while the heavy taxation of the people proves the oppressions caused by the wars of kings, and by the disturbance of industry and commerce.

The laws commencing with *Magna Charta*, and those extorted from the kings of England down to the Petition of Rights, the *Habeas Corpus* Act, and the Bill of Rights, and which constitute the elements of the constitution of England, have formed a leading object of this History. •

The condition of England at the time when the supremacy of the Pope was defied by Henry VIII., when he transferred that supremacy to himself as head of the Church, and when even his violence gave new occupants, constituting a useful and dignified class—the country gentlemen—to many parts

of the fertile valleys and plains which from generation to generation had been acquired by the monasteries, formed a new and instructive era, but not that of public liberty in England.

A Reformation of the Liturgy, in which some of the old doctrines of the Romish Church were omitted, and a new Independent Episcopal Church—that of England—was established, of which the sovereign became the supreme head, was an advent highly favourable to national prosperity. By those great changes in the religious institutions of England, the clergy ceased to be dependent on Rome; and although the Tudors maintained an absolute authority in government, they laid the foundation of that industry and prosperity, and of that intelligence and patriotism, which afterwards enabled the English people during the dynasty of the Stuarts to struggle with success for civil and political liberty—for religious and intellectual freedom.

The first settlements of those colonies which England planted in the Western world,—the progress of the Anglo-Americans since that period,—and the settlements and conquests of the English in India, together with the British colonies in Africa and Australasia, are all so intimately allied with the affairs and with the prosperity and power of the British Empire, that frequent notices of their rise and progress have long become necessary in a History of the Progress of the British Empire: for the advances made by the Anglo-Saxon race over the territories of the Western and Eastern world are unparalleled in the history of colonisation and of the acquisition of dominion.

It was not until the end of the sixteenth century that the first trading adventures were made by the English to India. They established factories first in 1615, at Surat,—afterwards in other parts of the East. In less than one hundred years, in the beginning of the eighteenth century, the East India Company possessed factories at Aden and Mocha,—in the Persian Gulf, on the coast of the peninsula of India, in Malacca, Siam, Pekoe, Cochin-China, Sumatra, Java, Borneo, Celebes, the Moluccas, Japan, and in five Chinese ports. But no Englishman at that time possessed an acre of territory in any part of Asia, with the exception of a small spot on the coast of India and the island of Bombay: although the Dutch, Portuguese, and French had formed small settlements in the East. In the year 1630 the East India Company first became possessed of one small tract, five miles square, on the Coromandel coast. On this spot they erected a fortress with warehouses, which they called Fort St. George, now commonly known as Madras. Thirty-two years afterwards, on the marriage of Charles II. with Catherine of Portugal, the island of Bombay, with its harbour, was transferred to the Crown of England as part of her dowry; but, in 1668, Charles not being able to defray the expenses of maintaining that place, granted it in perpetuity to the East India Company.

It was not, however, till about the middle of the eighteenth century that the English commenced to make conquests in the East. Hostilities then arose between the French and the English, in which many desperate actions were fought, both on sea and land; and thus, at the conclusion of the war in 1763, the

English had acquired extensive territories and an ascendancy over the French in India. In 1757 the English acquired, by treaty, a large territory from an usurper, Cossim Alli Cawn, the Soubah of Bengal,—and six years afterwards the Jaghire lands of the Carnatic. From that date the victories of Clive, and the subsequent triumphs of the English over the princes of India, have added to British dominions nearly the whole of the vast regions lying between the Himalayan Mountains and Cape Comorin—from the Indus to the southern extremity of Malacca. But it was by aggression, not by justice, that those territories were acquired.

During the present century British power has extended its authority along the west coast and over the southern extremity of Africa,—has acquired another Gibraltar commanding the entrance of the Red Sea,—and has laid the foundations of an empire on the continent and islands of Australasia, and in the midst of the Pacific.

But it is in America that the progress of Anglo-Saxon enterprise has gained the most wonderful acquisition of power, territory, wealth, and stability. The first attempts at settlement were made during the latter years of the reign of Queen Elizabeth, at the expense, and under the auspices of the gallant Sir Walter Raleigh. These spirited attempts to establish colonies on the part of England did not succeed, and the death of Queen Elizabeth ruined the fortunes of that enterprising and accomplished personage. The mean soul and despicable character of James I. were unfavourable to commercial or colonial adventure, and in 1602 there was not a

single European in all America north of Mexico. In April, 1607, one hundred and four persons landed at James's River, and laid the foundations of the first permanent English settlement amidst the wilderness regions of the Western world. One hundred years after the conquest of Mexico by Cortez, the spirit of persecution drove the Pilgrim Fathers, in the year 1620, to the Bay of Massachusetts; where they finally established themselves, after encountering incredible perils and enduring the most severe privations. A few scattered settlements were during this century formed in the Carolinas and New Jersey; and in 1682 Penn founded, with admirable wisdom and justice, the colony and province of Pennsylvania; for which he received from the king a free and full grant, under the old fanciful distinction, or rather wicked subterfuge, of Christian over heathen right to the soil. But that great man, acting on the principles of uniform justice, never invaded a foot of territory which he had not before purchased from the natives. He justly considered that immemorial occupancy was superior to all other tenures—that this right of the Red man was founded in nature—that this tenure was the free gift of Heaven, which no king had any just right to question, and no man any fair pretence to destroy; therefore his principles required him to commence with justice to the natural occupant of the soil.

The character of William Penn has been traduced by more than one modern historian. He was not the agent of *ladies of honour*, nor the *Penne* whom a tyrant employed to extort penalties from the generous maidens of Taunton! It is true that William Penn had in view the promotion of his own

fortune, while he secured an asylum not only for the persecuted of his own society, but to all the persecuted who might choose to resort to the region where peace and charity were laid down as the foundations of his government, and as a holy experiment setting an example to nations. If Penn expended his fortune, which he did with liberality, it was natural for him to expect an ample return for his money; but this expectation was never realised. One hundred and sixty years ago the plain of Coaquonoc, on the banks of the Schuylkill, was selected by William Penn as the site of a town, which soon rose as a hive of industry and happiness; and it has increased as it now stands, according to the original plan of its founder. Towards the close of that year, he writes of Philadelphia "that the project is at length laid out; it is advanced in less than a year to about two hundred and eighty houses and cottages, such as they are, where merchants and handicrafts are following their vocations as fast as they can." He acted decidedly on the principle of Christian morality, that no man can serve his own real interest so well as by doing justice to others; and the prosperity of Pennsylvania may be attributed entirely to the wise and well-adapted government and laws instituted by its founder. With the Red warriors he entered into conciliatory treaties. "Do not abuse them," said he, "but let them have justice, and you win them." Unlike the settlers in the other English colonies, those of Pennsylvania were never molested by the aborigines, among whom it became a maxim never to lift a tomahawk against the race of William Penn. The province was called the "Poor Man's Paradise;" poverty

was unknown within its bounds; the political or persecuted exile who reached the east side of the Delaware was cheerfully welcomed to a free home in the community; and so tolerant were they in matters of religion, that while the rest of the European family in North America were engaged in religious persecution, the utmost harmony prevailed in Pennsylvania.

Although Penn had frequented the halls of a royal court, and held his authority from an arbitrary king, he founded a colony with the single-hearted ambition of showing men as free and as happy as they could be. Probably his institutions were milder than his colonists were fitted to enjoy, and the privileges which he had granted them were not always enjoyed with gratitude. Evil-doers, however, were not favoured either by his instructions or by his laws, for "our prisons," said he, "will be workhouses."*

He will ever rank high as a good and great man in Anglo-Colonial history. Of all those who have hitherto been conspicuous in the annals of America, George Washington alone will stand higher than William Penn.

In America, the colonies advanced in prosperity, free institutions, wealth, and happiness, until the oppression of the British government and the obstinacy of George III. drove them into resistance, rebellion, and independence. In the year 1759, the

* Chancellor Kent, one of the most eminent writers of the age on jurisprudence, speaking of the work of Humpherys on real property, observes: "The Pennsylvanian lawyer cannot but be struck, on the perusal of this work, equally remarkable for profound knowledge and condensed thought, with the analogy between his proposed improvements, and all single reforms in the English law, suggested by the greatest reformers of the law in England, and the long familiar practice of Pennsylvania."

New England States—New York, Pennsylvania, - Virginia, and the Carolinas—contained altogether, with the small scattered settlements at Halifax and Anapolis in Nova Scotia, and Oglethorpe's small colony in Georgia, a population of nearly 2,000,000. They inhabited the sea-coasts and the banks of the rivers. There was not one of the Anglo-Saxon race who possessed an acre of territory on the continent of America north of Halifax, south of Georgia, west of the Alleghany Mountains, or within the countries watered by the Gulf and River of St. Lawrence and the Lakes of Canada. Cape Breton, St. John's (now Prince Edward's) Island—all the countries of the St. Lawrence to the head of Lake Superior and the north-west territories,—and south of the Algonquin Mountains and west of the Alleghanies to the Pacific,—and all the regions down the basins of the Ohio, Mississippi, and Missouri, to the Gulf of Mexico, were under the dominion of France, and under governors, officers, and colonists who spoke the language of that kingdom. The whole of the vast regions of Mexico were under the dominion of Spain, and the religion of the Inquisition. Such was the territorial dominion of Europeans in North America ninety-two years ago.

Since that period the inhabitants of the Anglo-American race have increased from 2,000,000 to 25,000,000; and the people speaking, reading, writing, studying, legislating and governing by the medium of the English language, now hold dominion over, and possession of, all the countries from the eastern coasts and islands of the Atlantic to the shores of the Pacific,—from the estuary of the St. Lawrence

to the mouth of the Colombia,—from the Bay of Chesapeake to the Bay of San Francisco,—from Hudson Bay to the Gulf of Mexico. Their sailing vessels and their steam-ships swarm on the Atlantic and the Pacific; they have erected magnificent cities and prosperous villages; they have transformed savage wilds and the solitudes of primeval forests to the gladness and plenty of golden corn-fields, green pastures, and blooming orchards; they have connected rivers and seas by the construction of canals; they have thrown bridges over ravines, torrents, and rivers; and they have intersected the continent with common roads and gigantic railways.

The magnitude and vigour of the Anglo-American power must, by the indomitable force of its progress in the destiny of the future, be so eminent, that I could not pass its empire unnoticed, in its bearings upon the affairs of the age, and on the march hereafter of the civilisation of mankind.

Whether the Anglo-Saxon power shall continue to be wielded by two governments, as at present—the British and the great Anglo-American republic; or whether, as is most probable, it will hereafter separate into many,—yet the people speaking and reading,—legislating and governing by the use of the English language, appear to have a destiny in the progress of the future, as they have had in the past, which neither policy nor diplomacy can prevent—which circumstances will as surely accelerate as physical elements move the great bodies that revolve in the heavens, until that progress shall present to future generations, in each region of North and

— South America, its natural certain effect. *That effect will inevitably be, that the legislation and literature will be written, the debates spoken, the arts and sciences expounded, and the conversation between man and man, expressed in the English language.* We may safely hazard this forecast of the Anglo-American future by the facts of the past. Another, and a somewhat parallel, consideration of sublime magnitude, arises out of the oriental progress and dominion, of those who read, write, and speak the English language—that language which is the chief medium through which the navigation and commerce of the great Eastern seas, and the movements of the steam-ships are expressed. It is, verily, a PAST, of wonderful actions. It must be a FUTURE of more astounding events—that of the past and that of the future progress of the Anglo-Saxon race over the East to the Cape of Good Hope—Aden, and the Mauritius,—from the Himalaya Mountains to Cape Comorin,—from Ceylon to Tenasserim and Malacca;—from Singapore to Labuan, Hong-Kong, and the Australian Empire; and, thence east across the Pacific Ocean, until the Anglo-Saxons are met again on the west, in California, on the Columbia, and Vancouver's Island.

It is in contemplation of this progress that I have considered the policy as all-important that will bind and maintain, in peaceful harmony, the whole British Empire and the United States of America.

If ever the history of the world presented two states in a position, and condition, to do each other the utmost possible good, or the greatest possible evil—such are the actual positions, and actual con-

ditions, of the United Kingdom and the United States.*

Awful, indeed, would be the consequence of involving the British and American powers in the certain calamities of war. Civilisation in America, and in Europe, would, for the time, be paralysed; and, not only the present generation, but succeeding generations, would suffer, grievously, by an interruption of peace, and intercourse, between the members of a great family; who, though divided as to their governments, are, nevertheless, in spite of their respective prejudices, bound together as one people, by the inseparable union of speaking the same language; of being educated in schools, in which the same lessons are taught,—and trained at firesides, where the mothers instil into their children the same virtues; by reading the same literature; by studying similar laws,—professing, generally, the same religion; by cherishing the same domestic associations; practising, from hereditary and common usage, the same manners; by having, until a very late period, a common history: in short, by inheriting their vices and virtues, and their folly and wisdom in common.

When the Anglo-American colonies declared their independence, the people were generally intelligent; their habits frugal and industrious; few were poor, none possessed great wealth, nearly all owned land and other property; and unlike the Europeans of

* We have in England wisely abolished the most pernicious restrictions of the navigation laws. Therefore the intercourse and trade between the United States and every part of the British Empire may be as free and harmonious as if those states were still integral parts of this empire, but without either being involved in the expense or perplexities of the government of the other.

South America, their ideas were free from the thralldom of hierarchical and priestly tyranny.

The abilities of the great men who conducted their assemblies were solid rather than brilliant; practical rather than theoretical. They had the good sense and discrimination, notwithstanding their separation from the government of the mother country, to adopt the constitution and laws of the then most free government on earth, as the groundwork of theirs; making a royal hereditary chief magistrate, a titled privileged nobility, and a national Church establishment, the only remarkable exceptions.

Their immense territory, with all varieties of climate, and with soils yielding every production under heaven, and abounding in numerous navigable rivers and lakes, harbours, fisheries, woods, and minerals, placed all natural advantages within their immediate possession.

Their language and education enabled them to enjoy all the benefits of English knowledge, history, laws, and literature, without the labour or expense of translation, or paying for copyrights. They had also the earliest advantage of European discoveries in the arts and sciences, without restrictions as to the rights of patents.

With the peculiar good fortune of being governed, at that critical period, by honest men, they had the knowledge of all ages and countries to guide them.

Possessing, therefore, such extraordinary advantages, the Anglo-Americans were enabled to avoid most of the blunders committed afterwards by the Spanish-American republics that had before their

independence been subject to governments and laws, which, from their birth in the feudal ages, trained up the people in bigotry, intolerance, tyranny, and ignorance. Those republics were consequently in a social, moral, and educational condition, ignorant of the principles and the practical enjoyment of wise legislation, equal justice, religious freedom, and personal liberty.

The democratic form of the American government arose from necessity as well as choice. The wealth of the country was too equally divided to give any one individual the means, if it were possible, either of corruption, or of an overwhelming share of power. If any one could be invested with kingly authority, Washington stood the highest. But that virtuous and great man was so truly pure, that he soared far above all the sublunary vanity of being more than a good citizen, and he surrendered all his power the moment that he had achieved independence for his country, and freedom for his fellow-men. His ambition was that he might be considered the benefactor, not the destroyer of the human race. Stars, orders, titles, were, indeed, baubles, in the estimation of a being, in whose heart benevolence reigned,—in whose head wisdom and judgment were predominant. Far above the Alexanders and Cæsars,—the Marlboroughs and the Condés,—the Fredericks and the Napoleons, will stand the name, and rank the fame, of George Washington, in the mind of every good man, and in the sentiment of every virtuous heart,—in all ages to come,—so long as the nations of the earth shall have their history written. There existed, besides, at that

period a constellation of extraordinary men, distinguished for wisdom, knowledge, judgment, and practical ability. Among them Franklin, Jefferson, Adams, Hancock, Hamilton, Madison, Jay, ranked high as philosophers, lawgivers, and statesmen.

The constitution and laws of the new government were, as nearly as possible, accommodated to the ideas of the people, and to the former order of government.

The problem for time to resolve was, and is, whether this form of government possesses, within itself, the power of carrying into execution the laws which are necessary for the protection and security of persons and property, and for the orderly maintenance of civil liberty.

I have therefore, from the importance and magnitude of the foregoing considerations, found it necessary to sketch an account of the settlement and progress of the Anglo-Saxon communities in America, Asia, and Africa, as constituting an essential portion of the history of British Power. It was also requisite, in order to illustrate the progress of the British Empire, to include the commercial and financial legislation of the United Kingdom and the colonies; the accumulation of the public debt; and the means by which the public credit has been maintained. The rise, multiplication, and extension of British manufactures, and of British commerce and navigation, form also a very essential portion of these volumes. The intercourse and diplomatic relations with foreign states could not be excluded; and the resources of the United Kingdom, and the causes of British prosperity and power, with the increase of

the population, and especially the inhabitants of large cities and their means of subsistence, also have required a careful attention to facts.

One of the most remarkable characteristics of modern times, is the extraordinary increase of the population of large commercial or manufacturing cities. This tendency of people to reside in towns has, in all ages and countries, corresponded with the increase of industry and trade: for the wealth and population of towns have always declined with the decrease of manufactures and commerce. In Europe, Venice and Augsburg, and many other once flourishing cities, have declined in the same ratio that their manufactures and trade have disappeared. It is also remarkable that the agriculture of the surrounding rural districts of those cities have decreased in at least as great a degree as the diminished trade and riches of the cities. The number of inhabitants of all towns depend chiefly on the means of subsistence; and those means again depend on the commerce and manufactures of the towns; on the riches accumulated by residents from other sources; and on the food supplied by domestic and foreign agriculture and pasturage, and by the fisheries. David Hume was in all probability correct in saying that no ancient city contained so many inhabitants as London; that was, London when he wrote, when the population did not exceed 800,000. He concluded that there were inherent causes which would check a much greater increase of the inhabitants of towns, however favourably situated; and that the populations of the great cities of antiquity had been greatly exaggerated in numbers. When Hume made these

remarks it was reasonable to believe that the population of London could not be much increased without great inconvenience and expense.

The means of supply and payment within the bounds of any one town in Europe might then justify his conclusion. At that time, cattle from the Highlands of Scotland could not be brought to Smithfield in as many days as they now can be in as many hours. The drover followed the routes through Scotland and England where he could find grass for his cattle to eat. They arrived lean, and were afterwards fattened by English graziers. Now, splendid wooden or iron steam-ships, from 600 to 1200 tons, bring cattle fattened on the pastures of the Aberdeenshire Highlands and from the brows of the Grampians, direct and rapidly, without losing flesh, to the banks of the Thames. The smacks, which formerly brought fish to London, were often as many days, during boisterous weather, making the passage as the steamers are now performing the voyage in the same number of hours; and the Spey, Tay, and Tweed send the produce of their rich fisheries, fresh and cool in ice, to the tables of the metropolis.

Neither the power-loom, canals, steam-engines, railways, steam-ships, nor the splendid docks of London, Liverpool, Bristol, Hull, Leith, or Dundee, were then contemplated. At that time no vessel larger than a sloop of fifty tons could ascend to the Bromielaw of Glasgow. Now, each side of the Clyde below the first bridge is adorned with magnificent quays, to which ships of more than 1000 tons ascend without difficulty. The first canal in England

was begun by the Duke of Bridgewater, not earlier than in the year 1760. During the same year Hargreave gave the spinning-jenny to his country; Arkwright, soon after, produced the spinning-frame. In 1799 Crompton combined the two in one, which he called the mule. In 1785 Watt brought the steam-engine to that perfect state of acting which at once rendered it powerful and profitable. Cartwright at the same time invented the power-loom; but it only came into general use in 1820.

Britain owes everlasting gratitude to those eminent benefactors, and to her wise senators—intelligent lawgivers,—enterprising merchants,—spirited manufacturers,—and bold mariners, for the power and grandeur of the empire. But England owes not her prosperity to that spurious legislative protection which a great party in this country, and a majority in America and in Europe, extol as sagacious wisdom; not to that grasping maritime and commercial monopoly which the British government and lawgivers had too long upheld. England has attained her prosperity not by the aid, but in defiance of, her navigation-laws and her illiberal commercial system. The wealth and power, and even the liberties of Great Britain, are owing in a great degree to her geographical position,—to her many commanding seaports,—to her fisheries, which originated her naval architecture, and her fleets,—and to her mines of coal and iron in the northern, central, and western counties, and in Wales and Scotland;—to the salt mines of Cheshire and Gloucestershire,—to the copper and tin of Cornwall and Wales,—to her geological formations of granite and limestone, and chalk and sandstone;—to the very diver-

sity, elevation, and depression of her soils, which exhibit all the varieties of rich lowlands, valleys, and plains,—the pastures of the downs and hills of the southern and western counties,—the mountains of Wales and Cumberland, and the straths and dales, hills and alps of Scotland;—to her building materials of lime, stone, chalk, and clay;—to her woods which have yielded her oak, and enabled her first to build her fishing boats, coasting vessels, merchant ships, and war fleets, until wood when wanted could be brought from afar to her ports and ship-yards,—and even to the temperature of a climate often tempestuous, but not liable to great heat or intense cold. To these great natural advantages must be added others, without which the bounties of nature would have been fruitless; that is to say, our civil and political liberty, under the constitution of England, founded on the *Magna Charta*, and strengthened by the 25th and 34th of Edward I., which enact that taxation must be sanctioned by representation; to the petition of Rights, the *Habeas Corpus* Act, the Bill of Rights and the Act of Settlement, to which we must add that freedom which the Protestant religion extends to the intellectual faculties and to the powers of reason. Founded on political freedom and religious liberty, we therefore owe our security and prosperity to the perseverance and industry of our people,—to the enterprise of our manufacturers, and the skill of our artisans,—to the spinning-jenny, mule and the power-loom,—to the adventurous spirit of our princely merchants, and to the hardy intrepidity of our brave mariners and fishermen. To all those physical and moral elements

does Great Britain owe her power and her present agricultural, manufacturing, and commercial wealth,—her ability to maintain her credit under high taxation, and, despite monopolies, protective duties, and dear food,—in defiance of all those banes to national prosperity, Great Britain has flourished; and all countries would act wisely by following her recent and just example, by obliterating from their laws the exclusive and restrictive system of commercial and financial legislation.

During the last ten years England has held out an example to all other countries by abolishing protective duties, and by repealing the navigation laws. England has not suffered, and no other country would, by adopting the same enlightened policy. England, under recent legislation, has flourished; and it were to be desired that the intercourse and trade between all the countries of the world were as free from restrictions as the trade between one county in Great Britain and another. The counties benefit by the freedom: so would the nations of the earth.

Among the causes of British prosperity, it must not be forgotten that Great Britain has, since the turmoils of the seventeenth century, escaped on her own soil the perpetual wars which devastated, and which impeded the agricultural and manufacturing industry, and the commerce of the continental states of Europe. With a burdensome taxation and an enormous public debt—and although until lately compelled to pay a higher price for maintaining their existence than the inhabitants of other countries—yet the genius and indomitable per-

severance of the people, and the natural advantages of the British islands, have enabled them to attend to their manufactures, commerce, and navigation in spite of the wars and decrees of Napoleon,—of high taxation and dear food,—to bear all their war burdens,—and to pay those high prices for bread and butcher's meat which served to yield high rents to the landlords of the United Kingdom—not by restrictive legislation—but by home industry and a profitable commerce.

By maritime adventure and industry they carried their trade and their manufactures into all the markets of the world,—while the industry of all other countries were paralysed by wars and invasions. In time of war the harbours of England afforded military and commercial advantages which no country in Europe could resist or supplant. The winds which, on the west of the continent prevented ships from putting to sea, enabled those of the east coasts of Britain and Ireland to leave their ports, being safe by their position as well as by the protection of our ships of war which guarded the entrance of the English and Irish Channels. Thus while all other European nations were disturbed in their industrial pursuits, Great Britain, from her geographical position and her harbours, enjoyed peace at home, and the opportunity of supplying all the rest of the world with her domestic fabrics, and with the produce of her colonies. In defiance of the decrees of Berlin and Milan, our manufactures found their way into Germany, while in France we actually clothed many of the soldiers of Napoleon.

Thus while taxed beyond all former endurance,

the natural advantages of Great Britain and the enterprise of her people have enabled her to stand with magnificent splendour amid the convulsions which shook the continent to its foundations.

The progress of Scotland from a state of barbarity and poverty has demanded my careful attention; first, up to the time of the union with England; and secondly, from the period of that happy event down to the present time. Few countries had apparently greater natural disadvantages than that ancient kingdom. For a long period the treasures which lay underneath the surface were either unknown or unexplored. In no country in Europe was agriculture in a more rude condition, until about the middle of the last century. The population was not inclined to industry. The aspect of the country was stern and forbidding; and if the inhabitants generally had not embraced the Reformation, and if Protestant schools had not been soon after instituted in most of the parishes, it is probable that Scotland at the present day would have been in as wretched a condition as the poorest districts of Ireland. But the Presbyterian doctrines and the ministrations of that Church added, in the first place, all the holidays of the Romish calendar to the days of industrious labour, and gave a more serious character to the manners and pursuits of the people. An education was acquired at the parochial schools, which, although generally far from liberal, proved remarkably useful for commercial and other paths of enterprise. The progress of commerce and manufactures was, however, slow, and interrupted by the barbarous military spirit of the Scottish chieftains. But on the

eastern coast the manufacture of linen began to thrive in the early part of the last century, and the herring fisheries were followed with considerable advantage. From this period, and after the establishment of banks, the agriculture and commerce of Scotland began and continued to prosper. In regard to each of these branches of industry, the author of a work on the "Interests of Scotland Considered," observes: "We were then strangers to trade, and understood little of manufacture and of the great advantage from thence to nations. War was our trade, and military discipline our profession and sole study. When we had peace at home, our gentlemen and persons of quality went abroad in quest of foreign adventures, and carried with them numbers of the common people as soldiers and troops for foreign service. Many of them were engaged on both sides in wars in all countries, but the greatest number were in the service of the confederated Protestants."* It will appear, hereafter, that the commerce and manufactures of no country in Europe has grown up and prospered so steadily and securely as that of Scotland since the middle of the last century.

In tracing the progress of Ireland, I have been compelled to enumerate facts which are painfully unsatisfactory; especially when the great natural advantages of that kingdom are considered. When a people are resolved to prosper, no human power can effectually retard their progress in the accumulation of wealth, and in securing the elements

* "Interests of Scotland Considered." By Patrick Lindsay, Lord Provost of Edinburgh, 1733.

of civil and religious freedom. Had the Irish people been as firmly united as the Scotch, in promoting those great objects which secure prosperity and independence, the former would not have submitted to the severe domination of a government, which was only successful in consequence of that want of unity which up to the present day has unhappily retarded the prosperity and happiness of a country naturally enjoying the most ample bounties of Providence. But the circumstances under which the Irish people have been placed,—the former intolerance of their rulers in regard to religion,—the unwise and irregular government which prevailed until after the year 1828,—the want of education for the masses of the people,—their consequent defective moral and social condition,—and the absence among the people of that necessary discipline of thinking and acting, which are indispensable for the prosperity of a nation,—may all fully account for the long-continued backward condition of Ireland.

These observations I do not make in any uncharitable spirit. The natural abilities of the Irish are equal to those of any people. In other countries they flourish and distinguish themselves in each of those pursuits which elevate the character of man and which shed a lustre over society. In their own country the great majority have been cruelly used, and until a late period unjustly governed. The great majority were altogether excluded by a small minority,—the members of the dominant Church, from the rights of representative legislation,—from administrative experience and from office, until after the Catholic Emancipation Act became the law of the United

Kingdom. It is to former injustice and misrule, and to the Irish people themselves, who, unlike the Scotch, have endured that injustice and misrule to which they have so long submitted, that I attribute those evils which have taken such fatal root in, and have spread so widely over, Ireland. I know of no remedy for the social, moral, and political maladies of that country, except a bold and strong measure of justice and relief for the unhappy millions of that kingdom. A wise, strong, decided government, and an administration of justice—equitable and impartial—framed without reference to religious faction or party—vigorously enforced—constitute the only remedy for the distress and absence of agricultural, manufacturing, and trading enterprise which still prevail, but which have been to some extent ameliorated in that country.

But no measure of justice, no plan of administration, can be rendered useful or practical without the cordial and honest co-operation of the Irish people—of their landlords, and of their members of parliament.

The condition of the British colonies and the colonial policy of England, especially since the independence of the old colonies now included in the great American Republic, I have endeavoured to describe both commercially and politically. In the West Indies important changes have occurred, and those colonies have frequently suffered : first, by the commercial system which prevailed until a late period ; secondly, from circumstances which arose out of a humane, just, and wise act,

on the part of the British parliament,—I refer to that which suppressed the slave trade,—which does such great honour to the nation ; and lastly, by legislation, which is considered necessary in regard to labour, with reference to that great act of humanity, the suppression of slavery in every spot where British authority prevails.

The diplomatic relations, the treaties of peace and commerce, the political intercourse and the alliances between England and the continental states of Europe, Asia, Africa, and America, are so intimately connected with the affairs of the empire, that I could not pass them over without the frequent references and statements which will be found in the course of this History.

The progress of civilisation and learning,—the customs and manners,—the habitations, food, clothing, and amusements of the people, I have also endeavoured to trace and describe.

Great as has been the progress of Britain since the Revolution of 1688 to the beginning of the war of the French Revolution in the year 1793, and wonderful as has been the resources of the British Empire during that calamitous war, it is chiefly from the period of the general peace of Europe in the year 1815 that the growth of British power, manufactures, trade, and wealth—of new inventions and new products—has been so wonderful, that they almost obliterate the great undertakings and successful enterprises of the last century. In the year 1814 there was not a single steam-boat—no locomotive engine—no railroad in the United Kingdom; and it has been since that period that

we have constructed our most splendid sailing and steam-ships, and our most magnificent docks on the Thames, on the Mersey, and in other ports of the United Kingdom. We have, during and since the war, maintained unimpaired the credit of the empire; we have, at periods of great delicacy and perplexity, maintained peace with all the nations of Europe and America; we have enjoyed security in our homes, order in our streets, and tranquillity in our fields and highways; and during the last twenty years we have greatly advanced in civil and political liberty,—in moral and religious freedom.

The Roman Catholics have been emancipated from civil, religious, and political disabilities—the Test Acts have been abolished;—a great parliamentary reform—though still an imperfect one—has been enacted,—our colonial system has been liberalised,—restrictions upon commerce and navigation have been removed,—the Corn Laws and the Act of Navigation have been repealed,—and the people of these kingdoms are now enabled to procure the articles which constitute the essential food of man, relieved of the fact as well as of the sense of injustice.

Our people understand the cause, and value the enjoyment of these blessings. They religiously and loyally obey and enforce the laws of their country; and while they will ever maintain this honourable British character, they will never yield to any class an unjust preference over the common rights of the nation.

HISTORY

OF

THE BRITISH EMPIRE.

A REVIEW OF THE PROGRESS OF ENGLAND FROM THE SAXON PERIOD TO THE LAST YEAR OF THE REIGN OF QUEEN ELIZABETH, A.D. 450 TO A.D. 1603—1153 YEARS.

CHAPTER I.

SAXON PERIOD OF ENGLISH HISTORY.

IF any history can teach us, by examples, to avoid errors,—to act wisely,—and to judge soundly, that of England and the British Empire affords the most ample lessons. A careful examination of our annals reveals authentic facts—so extraordinary regarding the condition of the country, that we are left in amazement with respect to the means by which our achievements have been accomplished, and by which an expenditure, unexampled in the history of any other country, has been provided.

In order to trace the rise, growth, and structure of the constitution of England, we have no occasion to go back to any doubtful period of British or Saxon history,—nor to refute the fallacies of monastic chronicles. But we must take into account the fiscal poverty of all, but the three first, of the Norman kings and their successors; and we must

briefly state the means by which the lauded property of the realm became possessed by the Church, barons, and knights. We may previously observe, that the Romans found Britain inhabited by savage tribes, speaking a language similar to that of the Gauls, and professing the same barbarous religion with its priests or druids,—that the Romans extirpated that horrible worship and its terrible human sacrifices—and that there is no doubt of great improvements in agriculture and architecture having been introduced and extended by the Romans, who had established their posts from Exeter to Inverness,—who had embanked the Thames,—who built luxurious villas, as the vestiges still existing prove,—and who first walled London.*

On the departure of the Romans the inhabitants of Britain relapsed into their ancient savage barbarity. We hear nothing of their religion,—we know little of their condition,—both history and tradition are obscure until after the period usually styled the epoch of the Saxon Heptarchy. It is, however, probable, judging from the prevalence of the Teutonic language, that the East coasts especially, from Cornwall to the Orkneys, were infested by the Northmen; and that before the more certain historical Saxon period, most of the Gaulish or Celtic inhabitants were driven into the mountains and western parts of the island.

The early Saxon period is obscure; its tales chiefly fictitious or uncertain.† The monks alone

* Said to be first walled in by the Empress Helena, mother of Constantine.

† Milton judiciously observes that the skirmishes of kites and crows are as worthy of a particular narration as the barbarities, battles, and massacres of the Heptarchy.

have chronicled, and in their own spirit, the annals of Britain.

We have in the history of English events the records of a people frequently conquered; and the Saxon conquerors themselves subjected by the Normans to absolute tyranny. The Saxon laws were codified, or rather compiled, first during the Heptarchy, under Ina, king of the West Saxons, and Ethelbert, king of Kent; afterwards, during the monarchy, under Alfred and Edward the Confessor.

The English legislator, in tracing the progress of the constitution and laws of his country, will find, notwithstanding the barbarism and ignorance of the Saxon period, and the boisterous and intemperate character of the English, that there was amalgamated with the usages and laws a sturdy spirit of independence, which the Norman power afterwards degraded, but could never subdue; and a veneration for the expressive language of their ancestors, which neither the Norman kings, nor the blandishments of the courtly usages of France, were able to extinguish. These facts are still more remarkable, when we consider that the service of the Church was performed in Latin, which is in a great degree the foundation of the language early adopted in France; first, by a Teutonic race, the Franks; and afterwards, by another Teutonic family, the Normans.

The institution of the Saxon tongue in all Great Britain, excepting the Celtic districts of Wales and the Scottish Highlands, and of the composite language, which we call English,—of which the Saxon is the

basis and chief element,—must have been owing to the fact that the population, of other than Saxon or Danish races, were either thinly scattered over the country, or were driven to the mountain fastnesses of Britain, or to the western islands of Scotland: where, only, they continued the use of the Celtic. The Danes and Norwegians, who spoke a Teutonic language, assimilated easily with the Saxons in their speech; and the former and latter had, probably, long before the Norman Conquest, multiplied so greatly, as to constitute nearly all the inhabitants of England, and the south and east of Scotland.

The Teutonic Normans, instead of enforcing their own speech, adopted that of the French whom they conquered. In Sicily the Normans have left abundant traces of their having been the conquerors and rulers of that island; but scarcely any of their language. In fact, a disciplined army, which bears an insignificant proportion in its numbers to those of the whole unarmed population of a country, may conquer and afterwards rule over that country; but they cannot extirpate the language. This was exactly the case of the Norman triumph and power in England. It is still a remarkable fact, as exemplified by the long-established authority, of a few thousands of conquering Tartars over 300,000,000 of Chinese.

The want of what would appear to us credible proof, and the suspicious character of monkish authorities, prevent our giving implicit credence to those reiterated opinions, or rather clerical vanities, which applaud the early foundation of Christianity in Britain. If the Christian religion had been well planted in England, during the reign of Nero, about A.D. 60—

if the bishopric of Llandaff had been founded, and had for its first bishop a Dubritius in A.D. 180—if the Caledonians had embraced Christianity in 212—if under the Diocletian persecution, St. Alban, styled the first British martyr, had been beheaded at Holmhurst (afterwards called St. Albans)—if there had been three British bishops, who are asserted to have attended the council of Arles, A.D. 314,—if the bishopric of St. David had been founded in A.D. 520, by King Arthur, and if the bishopric of St. Asaph was founded A.D. 560, by Kentiger, a Scot, our opinion is, that, in A.D. 590, *Gregory the Great* could not have been so ignorant of these circumstances, as to say, when several *Anglian youths* were exposed for sale in the slave-market of Rome, that they ought rather to have been called *angels* than *Angles*; that it was deplorable they were not *Christians*; that consequently he despatched Saint Augustine, with forty priests to Britain, to convert a nation of infidels; and that this apostle found the king, Ethelbert, a pagan, whom he afterwards baptised.* It is from this date only that we can with any confidence speak of the establishment of Christianity in Britain.

* The great stress founded on the Pelagian heresy, as proof of the early spread of Christianity in Britain, may be easily accounted for. A quarrel may have occurred between Pelagius, who is said to have been a Briton, and another missionary. It involved a mystical obscurity. It was a subject of interest to the monks and clerks, who were the annalists of the age. It has been blazoned over Christendom in their chronicles. Among so wild a people as the Britons, it is not likely a mystical and undramatic doctrine could have caused so much excitement, wonder, and reverence as a *legerdemain* trick, or an astounding miracle; or as the pompous ceremonial of a gorgeous sacerdotal procession would have produced; and which corrupt attractions, instead of the simple and beautiful morality and worship of primitive Christianity, afterwards contributed to convert, in a short time, the Anglo-Saxon pagans to the Romish Church.

If the institution and progress of Christianity were doubtful, or slow, before the Anglo-Saxon period, it rose and spread, and became hierarchial and powerful from the day when St. Augustine appeared as Archbishop of Canterbury; and the affairs of the State and the Church, from that epoch, can seldom be separated, from the opinions which we may form respecting the government or constitution of England.

With reference to the Saxon period of English history, six remarkable circumstances must attract the attention of the historian, philosopher, and statesman. The *first* is, that the popular laws of the Saxons, and their popular assemblages, were transplanted, or imitated by them on settling in England; and that the restoration of those laws, as compiled by Ina, and Alfred, and as codified by Edward the Confessor, continued always to be claimed as the rights of Englishmen, after their suppression by the Norman conqueror. The *second* is, that, notwithstanding those laws, England, during the Heptarchy and the reign of the Saxon and Danish kings, was almost perpetually in a state of civil or foreign war; distinguished chiefly for bloodshed, murders, and assassinations; and exhibiting a striking resemblance to Germany in that barbarous age. The *third* is, the extraordinary and rapid establishment of the hierarchy. The *fourth* is, the large donations, in land and in money, given in the spirit of piety or superstition, by the princes and barons to the Church. The *fifth* is, the rude state of the arts, agriculture, manners, and the fare of the inhabitants.

The *sixth* is, that real power became nearly altogether vested in the barons and the ecclesiastics, who constituted an aristocracy which limited, at will, the royal authority, and which held the very great majority of the people as serfs or slaves.

Of the popular institutions of the Saxons in England, the local meetings of the shires, hundreds, and tithings, may be considered as the germ of our gradually-acquired free and representative institutions.

The Saxon kings do not appear to have been able, at any time, to make laws or raise money, unless by the consent of the *Witena-gemote*, or council of *Wise men*. The preambles to all the Saxon laws, as far as we know, prove the limited power of the kings, from Ina, Ethelbert, and Alfred, to Edward the Confessor, and even Canute the 'Great. The members of the Witena-gemote were no doubt all proprietors of land, and represented the shires and their divisions: the towns at that period were only worthy of being classed as villages of thatched hovels. Even London and other cities, with their walls, or rather mounds, had scarcely a solid habitation, or any edifice that would not, at present, be deemed low and mean: the churches and the abbeys forming the only exceptions. It is remarked by the writers of the Saxon period, that the Norman and French barons lived in strong and magnificent castles, and the English in mean habitations, spending their fortunes in feasting, intemperance, and disorder.*

* William of Malmesbury.

In respect to the laws, the commuting of murder and other atrocious as well as minor crimes by the payment of fines, the trial by the judgment of God, or the ordeal, and the legal privilege of private revenge, are conspicuous.

During the Heptarchy, the Saxon laws, to the number of seventy-nine, were instituted, as the laws of *Wessex* (Berks, Hants, Wilts, Somerset, Dorset, Devon, and Cornwall), at a celebrated Witena-gemote, held by their king, Ina, about the end of the seventh or beginning of the eighth century. They related chiefly to the *were*, or fines, the more regular and impartial administration of justice, and to supressing hereditary feuds. Those laws were further extended and enforced by Alfred, and afterwards written in Latin and promulgated by order of Edward the Confessor.

The crimes and assassinations during the struggles of rivals for power, are probably only in a very limited number recorded. We find them, however, atrocious and numerous in the annals of the whole Anglo-Saxon period. The safe conduct enforced by the Saxon laws to all members going to or returning from the Witena-gemote, excepting *notorious thieves or robbers*, was perhaps the origin of the privileges of members of parliament.

The worship introduced into England and preached by St. Augustine, and his monks and priests, was superstitious, irrational, and barbarous. Reverence for, approaching to worshipping of the the saints and their relics; revolting monastic observances; a fearful or hopeful belief in miracles,

or in an apparently visible, yet mysterious perversion of the laws of nature,—in the soothing assurance of the spiritual interpositions of the martyrs, as a sufficient reliance for salvation; and a full credence in the forgiveness of the most atrocious crimes by penances, gifts to the Church, servility to the priests and monks, pilgrimages during life, and the performance of masses after death, in accordance with testamentary bequests or the generosity of living friends, were attractive and sedative fallacies eagerly believed by an ignorant, superstitious multitude. Those fraudulent errors and corruptions, mingled with some beautiful truths of Scripture, constituted the religion which rapidly overspread the whole of Britain; which moderated the ferocity of barbarians; and which enslaved the intellect and curbed the natural independence of the Saxons,—whose princes and barons impoverished themselves by granting estates and the best lands to monasteries and cathedrals. The worshipping of images was introduced by a decree of a synod held at Alnwick, in Northumberland, in 710; and in 741 we find a canon, of a synod of English bishops, against the prevailing drunkenness of the clergy. Ina, king of the West Saxons, the founder of Glastonbury, went to Rome in 710, and granted the Pope the annual donation called *Rome scot*, or *Peter's pence*. This annual tribute was afterwards exacted as a rightful claim for the vassalage of England to Rome.

The English having received their religion from the monks of Rome, submission to that see was

unceasingly promulgated; and the whole kingdom was more than once transferred to the Pope. Pilgrimages to Rome were diligently inculcated by the clergy, and believed by the superstitious,—that is to say, by the whole English nation,—as the surest avenue to heaven. All the pilgrims carried money to the Holy See, and the highways through France and Italy to Rome were strewn with the fanatics of England. English manners, and conversation, derived benefits from those pious and expensive journeys. The rude Saxons became acquainted with the more civilised Italians,—a school for teaching the English youth was instituted at Rome,—and the pilgrims carried back to their native land, not only more comprehensive views, but a knowledge and admiration of Italian art, architecture, and ornament. Alfred, who had visited Rome when young, retained, ever after, that appreciation for learning which influenced his actions, and which directed him to promote the education of his subjects.

During the Heptarchy, A.D. 585 to 827, no less than thirty kings and queens retired from authority, and resigned their crowns to lead pious lives, and do penance within the solitude of the cloisters; which were, it is probable, the most comfortable dwellings in the kingdom.

•We have but obscure accounts of the domestic manners and customs of the Anglo-Saxons. They were simple and rude,—yet barbarous and revengeful; superstitious and credulous,—yet hospitable and riotous; intemperate and prodigal,—yet robust and

courageous. The arts were little understood. There was scarcely any learning. It was asserted by Alfred that there was scarcely a priest who understood Latin, nor a layman who read English, or rather Saxon. The attempts made by that prince in founding or rebuilding a school or college at Oxford, and instituting some other schools, appear to have extended to little more than teaching the services of the Church; although it is recorded that there was a school instituted at Cricklade in 669, where Latin, Greek, arithmetic,* music, and astronomy (astrology), were taught. Alfred himself was learned according to the knowledge of the age. Bede, St. Dunstan, Alcuin, Johannes Scotus, Elfric, and Asser the companion of Alfred, were the most learned men.

In the courts of law, instituted by Alfred, a bishop and an alderman presided. All persons employed in industry, as villains, bordars, cottars, and handicraftsmen, although placed in some degree as an intermediate class above the lowest and most numerous serfs, appear to have been excluded from personal freedom as to property, or the liberty of travelling from the estate or place to which they were enslaved. It is, however, probable, that in a country chiefly pastoral and thinly inhabited, they enjoyed a comparative share of freedom; that they had abundance of food, and considering the quality of their leathern or skin garments, that they were warmly clad, though rudely sheltered. It is doubt-

* It would be indeed a curiosity if the system called at that time arithmetic, if ever taught at such a school, could be discovered. Figures in arithmetic were first introduced into Europe from Arabia, A.D. 989.

ful whether the necessities, the poverty, and the obligations of the rural inhabitants of some English counties at the present day, do not render their condition far less happy than that of their ancestral serfs.

Alfred is considered to have introduced the construction of houses built of brick and stone. The same prince originated by his survey the celebrated Domesday-book, the first rolls of which were lodged at Winchester. Edward the Confessor matured this survey, and William the Conqueror seized and used it in making a new and more accurate and descriptive one for the distribution of his confiscations, and the exactions afterwards of knights' fees. Before, after, and during the reign of Alfred, slaves and cattle formed *a current money of the kingdom!* Parents sold their children and female servants to the Irish and other dealers who came over regularly to buy them in the English slave market.* Even as late as 1102, we find it declared by a London council that men had "hitherto been sold as brute animals."† Slaves were held to be personal property as late as the reign of Henry VIII., and in Scotland until the last century.

Lands were during the Saxon period divided among the heirs of the freeholders equally, that is to say, by the custom of gavelkind. This had only reference to *Bock*—book, or registered land. There were other tenures not hereditary, called *folk land* held during the barons' pleasure by the *keorles*, or common people, not actually serfs, but who were

* William of Malmesbury—Geraldus Cambrensis.

† Wilkins' Concilia, &c.

from the Saxon *gemein*, or *yemein*, the origin of the yeomanry of England. The food of the people appears to have been chiefly the flesh of sheep, swine, and horned cattle, and milk; and in some places poultry, eggs, and fish. Pasturage afforded the chief means of living; tillage was generally neglected. Some grain was, however, grown; and coarse bread, baked in hot ashes, or before the fire, but not in ovens, was made of the coarsely-ground grain. White bread, or bread made of wheat flour, was so scarce, that, according to Bede, it was greedily begged from the priests, who had prepared it for the eucharist, by Sexted and Seward, Pagan kings of Essex during the Heptarchy,—and on being refused they expelled Mellitus, the bishop.*

Although the bread of the great majority of the people was baked much in the way recorded, when King Alfred, by neglect, allowed the cakes to burn before the fire in the shepherd's hut, the monasteries had good fare in abundance; and those institutions, notwithstanding their many evils, were greatly useful, and formed sanctuaries of peace over the land, and amidst the abodes of warlike lords. They were not only the depositories of whatever there was of learning, but they were also the schools of various handicrafts; and we find within or attached to them,

* During the reign of Edward the Confessor, a comparative degree of luxury prevailed; and he, no doubt, as he was educated in, imported new and improved culinary usages from France. The liquors drank at a royal feast during his reign were, wine, imported from France; mead, ale; pigment, a liquor sweetened with honey, sugar being long after unknown; morat, a liquor consisting of the fermented juice of mulberries, sweetened with honey; and cider. Strong ale, however, was the favourite and general drink of the English and their Saxon ancestors. It has ever since maintained its ancient characteristic.

husbandmen, or tillers of the ground,—fishermen, smiths, carpenters, millers, bakers, salters, cooks, architects, illuminators, shoemakers—the latter included all fabrics of skin and leather,—and numerous domestic servants. The monks themselves were often the most skilful handicraftsmen. The austere St. Dunstan, who flagellated kings, and instituted the Benedictines, was a smith and founder—he cast two large church bells. The kings of the Heptarchy, many of whom turned monks, became in solitude mechanics. One is said to have been a skilful goldsmith. The glazing of church windows was introduced from France as early as the seventh or eighth century. The priests and monks were enjoined by their superiors to learn some handicraft. Musical bells were rung and chimed in the rich abbey of Croyland, Lincolnshire, A.D. 944.

All fabrics must, during the Saxon period, have been of a clumsy and rough description. Without good tools fine articles can scarcely be produced, except by a very tedious process; and then only in a gothic or ungeometrical, though ingenious and ornamental character. So long as the spindle and distaff were the only modes of spinning, woven clothes could not have been in extensive use. Dressed skins were the common substitutes. Wooden shoes were worn by princes in the tenth century. The common people wore neither shoes nor stockings on the accession of Alfred.

Spinning, knitting, and the working of tapestry,*

* The manners, dress and customs of the eleventh and subsequent centuries, are frequently represented by the tapestries which have been preserved. I am not aware that there is any specimen of ancient

were the accomplishments of the queens, princesses, and ladies of the highest rank during the Saxon times. The chiefs were warriors. Hence the expressions of Alfred—the spindle and the spear sides of the house. To this day *spinster* is the legal designation of an unmarried lady.

If we consider the degraded and turbulent state of England on the accession of Alfred—and, shortly before, the demolition of the monasteries, the massacres of the monks, and the burning of their libraries by the Danes, the order which that prince established in his kingdom, and the protection which his administration gave to travellers, and to the rest of his peaceably disposed subjects, against robbers and riotous persons, constituted a new and happy era in the progress of civilisation. He may also be said to have originated our naval power, and to have instituted the foundation of English school instruction.

In reading the various annals of the Saxon times, the number of vessels equipped by the kings, and of those of the Danish invaders, appears to be greatly exaggerated. In A.D. 852, we are informed by the Saxon annalists, that the Danes, who had before so fearfully devastated the coasts, entered the Thames, with 300 ships, plundered and burnt London, and sacked Canterbury. In 893, during the reign of Alfred, they appeared with 300 ships, and were met and repulsed at sea by an equal force, equipped

Saxon tapestry existing. The history of the Conquest is, in the rude ideas and fashion of the time, represented on a long sheet of linen, 25 inches wide, and 215 feet long, embroidered, it is supposed, under direction of Matilda, the wife of William the Conqueror, by the ladies of England. The figures have shoes, but many are without stockings. This venerable tapestry is still, or was not long since, in the Norman cathedral of Bayeux.

by the English King. In 901 the Danes entered the Thames with a fleet of vessels, ascended the River Lea, and fortified themselves at Ware. Alfred changed the course of the River Lea, and left their ships dry. The Danes, being consequently unable to descend by water, retreated over the country. Those ships could only have been large boats; and it is probable that none of the war-ships of Alfred, or of the Danes, exceeded the size of the fishing smacks of the present day. We may, therefore, admit that Alfred may have, in a short time, have equipped 300 strong and seaworthy fighting boats; but when we find it asserted by Brompton, Hovedon, and others, that the fleet of Edgar exceeded 3000 ships, and by some 4000, we are led to suspect the general truth of their records.

Under Edward the Confessor, notwithstanding the many dark acts of that prince, which even the monkish annalists do not conceal, there were many social improvements introduced. The Saxon laws and usages were written in Latin. Architecture was embellished and reduced to order, and Exeter Cathedral in its present form was constructed, or completed, A.D. 1064. Lincoln Cathedral was also built in his reign. He was educated in Normandy, which made him prefer the French to the Saxon language; and he was greatly encouraged by the clergy, and by the many Normans whom he had invited over to England, and preferred to office, in his efforts to establish the language of France in England. Whether he actually before his death, in 1066, declared it to be his will that William Duke of Normandy should succeed to the crown of

England, and that he made several of his barons—among others Harold, the son of Earl Godwin, swear to observe this testament, it is indisputable that the bigoted support given to the Church, and the administrative spirit and French manners introduced by Edward the Confessor, accelerated the Norman conquest,—and the suppression, though not the extinction, of the civil and political liberties of the Anglo-Saxons.

When the Romans invaded Britain, it has been vaguely estimated that the inhabitants scattered in pastoral tribes over England did not exceed 7 to 800,000; or about one-third of the whole population of the metropolitan parishes and districts of London in 1850.

The population of all England, at the period of the Norman conquest in 1066, has been estimated at no more than 1,800,000 inhabitants. Subsistence for this number might have been provided with little labour, when the whole country consisted chiefly of pastures, and the coasts and rivers of which abounded with fish. According to the above estimate, it would appear that in thirty-four shires the inhabitants of towns were in number only 17,105.

The *villains* were computed at 102,704; *bordars* at 74,823; cottars at 5947; the thralls to 26,552; total 227,131 in a state of servitude or held as property. The remainder were called free; and allowing nearly the same proportion to the other four shires, the number would have been, at the end of the Saxon period, about six or seven free for each person held as property; but the husbandmen and yeomen, not included in the above, were by no means

free: for they were practically *adscripti glebæ*. Those altogether free were only the ecclesiastics, knights, thanes, friars, free landowners, and merchants. Probably two-thirds of all the inhabitants were held in various classes of servitude. The emancipation of a serf was held either in the market, hundred court, or in the church, at the foot of the principal altar. The baron, holding the slave by the hand, gave him to the bailiff, sheriff, or priest, and then, presenting him a sword and lance, said to him —“The ways of the land are open to thee as a freeman.” The ranks of the barons are by some disputed as to precedence. Earl and alderman appear to have been both equal in rank. The archbishop ranked with the atheling or heir to the throne.

The Saxon Government was one of families, united under a patriarchal form; and though often divided among themselves, their quarrels were usually adjusted. The destruction and desolation committed by the Danish invasions were all attended and followed by great calamities, divisions, and turbulence. Taxation was scarcely known until that time among the Anglo-Saxons.

The revenue of the king was chiefly derived from the lands belonging to him, as the personal estate of the sovereign. He was, in that respect, no more than a thane, either poorer or richer than some others of the thanes and barons. The Dane-geld, or Dane-gelt, was, for a long period, the only general tax for public purposes, and raised either as a tribute to the Danes, or to defray the expense of repelling those plunderers. It was remitted by Edward the Confessor, and renewed by the Normans.

The Church, however, levied its independent revenues or exactions under many pretences. Some of the most expensive were for purchasing relics imported from Palestine or Asia Minor. It is now doubtless that the skeletons, bones, teeth, nails, hair, skins, and garments of countless pagans, have been substituted for those of the canonised saints of the Church. Agelnoth, Archbishop of Canterbury, made a pilgrimage to Rome in 1021. Being enthusiastic, and ambitious to bring a marvellous saintly relic back to England, the arm of some unknown person, which had been taken out of a grave, was presented to him by the Pope as the real arm of St. Augustine, Bishop of Hippo.* Agelnoth paid sixty pounds weight of gold and 600 pounds weight of silver for the pious fraud, and returning to England he presented triumphantly the arm of, perhaps, some Roman pagan, as a relic to perform cures and miracles.

According to the best authorities, about one-third of all the lands of England belonged to the clergy, and they were exempt from all taxes before the death of Edward the Confessor. We may cease to wonder at the praises lavished on him by the monks.

It has been supposed by some writers that the Saxons found sufficient remnants of the Roman institutions and laws among the Britains for adoption and amalgamation with the Saxon usages and laws. This is by no means probable. Afterwards, when a more intimate intercourse was established with Christian Rome, parts of our common law

* William of Malmesbury calls him Augustine the Teacher.

may have been drawn from the Roman law. We can find nothing left, on the conquest by the Saxons, of the centralised administration, or the systematic and oppressive taxation of the Roman authority. No one chief vicar, or governor of Britain,—no questor or procurator of the taxes,—no two consular, and three præsi governors over the five provinces of Britain,—no admiral of the shores, to repress the Scandinavian rovers,—no chief of a military court of commissariat officers,—no dux or duke of Britain, to whom were amenable the tribunes and prefects of the military stations. All these, with their disciplined executive and minute fiscal systems, had utterly vanished.

Such is a brief view of the Anglo-Saxon period of England's history—the laws, institutions, and independence of which were abruptly suppressed by military force. The greater number of the Saxon estates were, immediately after, confiscated,—the Saxon barons degraded and reduced to poverty,—and the inexorable feudal system established and rigorously enforced by William the Conqueror.

But the English nation, though long humbled and degraded, regenerated its traditions, its laws, and its force, until its power gradually overcame despotism, and finally secured to the people of Britain the blessings of civil and political freedom—of moral and religious liberty.

CHAPTER II.

THE NORMAN PERIOD OF ENGLISH HISTORY.

THE old English Chroniclers assert that William the Conqueror* swore on his coronation to *protect the Church in its property and authority*, administer justice, repress violence, and govern the English and Normans by equal laws; that he was at first bountiful to the Church and convents; that he sent the standard of Harold to the Pope,—built Battle Abbey to commemorate his decisive victory near Hastings,—commanded his army with absolute discipline,—administered justice with impartial rigour,—confirmed and extended the liberties of London and other towns,—repressed the practice of rapine which disgraced the Norman barons,—and approved and encouraged intermarriages between the conquerors and conquered. Although he confiscated the estates of Harold and those who fought with and for him, they also admit that, in his manner and general conduct, he appeared until after his return from Normandy, not as a Conqueror, but as if he were an hereditary king, anxious to maintain by clemency and justice the affections, and to

* He was crowned by a Saxon, Aldred, Archbishop of York, Stigand not being then acknowledged by the Pope as Archbishop of Canterbury.—*Orderic Vital, William of Malmesbury, and other Authorities.*

secure the rights of all his subjects, without preference as to their nationalities.

But the Conqueror was not, without great provocation, distrustful of his new subjects; and he may have from the first secretly hated the English. The voracity of his vassal lords and of their feudal soldiers for the property of the Anglo-Saxons, from the day when they, in defiance of the Conqueror, plundered Dover, was the chief cause of the Norman Tyranny. William had visited England as the friend of Edward the Confessor. He had now acquired a kingdom with the sword, and he was determined to maintain his authority by military tenure. He entrusted no places of real power or emolument to the English. He built citadels in London, Winchester, and all the principal cities, and garrisoned them with the Norman soldiery. He then disarmed the citizens. Meantime, in civil matters, he appeared as a just and impartial administrator.

On returning, after only a few months' residence in England, to Normandy, he entrusted the government to Odo, Bishop of Bayeaux, who was his mother's son by a second husband, and to a Norman, William Fitz-Osbern; and he carried with him the legal Atheling, Edgar,—the Primate Stigand, and the principal barons of England, in seeming respect, but in reality as hostages, and as an exhibition of his triumph. At Fécamp the English displayed the utmost magnificence;* but they were subjected to significant mortifications,—not by the king, but by his Norman subjects. During his

* William of Poitiers, who was present.

absence, the insolence, tyranny, and rapacity of Odo, Fitz-Osbern, and the other barons and soldiery,—and the natural impatience of degradation, as well as the turbulence of the English Earls and Thanes, created violent discontents, and a formidable insurrection was the consequence. By his enemies it has been argued that it favoured the secret policy of William to visit and remain in Normandy, in order that his lieutenants and his turbulent knights might provoke insurrections; which would seem to justify him in reducing the English to utter degradation: first by depriving them of all military, ecclesiastical, and civil authority,—and then, by confiscating the whole property of the nation, to satisfy his own avarice and the rapacity of the Normans. His previous conduct does not justify this accusation; but if such were his designs from the beginning, there never was a diabolical policy more successful.

After his return, and on hearing of the insurrections and the massacres of the Normans at Durham, he swore by the “*splendour of God*” that he would exterminate every Northumbrian. His revenge was terrible. Neither age nor sex were spared, and nearly the whole country of York and Durham was reduced by fire and sword to utter desolation. In order utterly to degrade all the English dignitaries of the Church, he first resolved to ruin the Archbishop Stigand.* To remove the Primate, he invited the first legate who ever appeared in England from the Pope,—the ruin of the English barons,—the degradation of Stigand,—the confiscation of all

* Aldred, who had crowned the king, had just died.

his private property, and his imprisonment, until he died,—prove the determination of the Conqueror to destroy the whole Anglo-Saxon authority, language, and usages. All the other English bishops and abbots were subjected to similar proceedings. Only two dignitaries appear to have escaped—Egelwin, Bishop of Durham, who fled from the kingdom, and Wulstan, Bishop of Worcester, a man so feeble as to create no uneasiness.

At the Conquest, there were in England numerous and large forests, but none of sufficient extent for a good hunting district near Winchester, the Conqueror's favourite residence. If there were any proof wanting of the heartless and unscrupulous character of this prince, it was the depopulation of the villages and farms,—the levelling of several churches and convents, which occupied the vast tract called the New Forest.

William established, as a maxim of his policy, *that no Englishman should ever hold any post of honour in his kingdom*. When Stigand was disgraced, a primate, Lanfranc, an Italian, was brought from Milan. The Conqueror, although the Pope had favoured his views before and after his invading England, held the English prelates and Church in absolute submission to himself as their king and chief. He proudly refused to acknowledge that he held his kingdom from the Pope; and it does not appear that he gave way in the least to the haughty demand of acknowledging the Papal supremacy, made by the imperious Hildebrand. William, in fact, was the real head of the English Church, and the absolute sovereign of England and Normandy.

He owed much of his success and power to his early financial economy before invading England; and, notwithstanding his munificent bequests* to his barons—who, however, would otherwise have deserted him—he retained vast estates, and levied large contributions. The Domesday Book, which contains the survey of all but the few devastated and wild northern shires of England, is an existing record of his reign, possessing great merit, and self-evident accuracy. It was completed during a period of six years. William retained, as royal demesnes, 1422 manors and numerous farms in several shires. The

* See Domesday Book. The copy I refer to is the edition printed in 1783—1816, in 4 vols. fol., of which there is a copy in the library of the Athenæum Club. Robert, the Conqueror's uterine brother, had granted to him the earldom of Cornwall, and now a royal duchy, consisting of 288 manors, besides 558 manors which he possessed in other shires. Odo, Bishop of Bayeux, his other uterine brother, was created Earl Palatine of Kent, and Supreme Justiciary of all England. This prelate had 180 fiefs in Kent alone, and 255 in other shires. A knight's fee was worth about 20*l.* a-year of the money of that age, or 400*l.* of the present value of silver. William Fitzosborne received the whole earldom of Hereford. Hugh Lupus, the king's sister's son, obtained from his uncle the county palatinate of Chester, with all its regal prerogatives, with the same sovereign authority as the king held the crown. Allan Fergeant, Duke of Bretagne, who married William's daughter, received Earl Morcar's great and extensive manors, with the regal privileges. Roger de Montgomery received a grant of Arundel, Chichester, and Shropshire. Walter Clifford received all Buckinghamshire; William de Warrene, the county of Surrey; Walter de Eurus, Count of Blois, and Earl of Salisbury, the lordship of Holderness, and 46 fiefs, or manors. Ralph de Guader, of Bretagne, was created earl of Norfolk and Suffolk, and Lord of Norwich, and received the greater part of the fiefs. Henry de Ferrars received Tutbury Castle, and 222 fiefs. Geoffrey, Bishop of Coutance, received 280 fiefs or manors, which he left, at his death, to Robert Mowbray, his nephew. Todenei, 81 fiefs, or manors; Roger Bigood, 123; Robert, Count of Eu, 119; Robert Mortimer, 132; Robert de Stafford, 130; Geoffrey de Mandeville, 118; Richard de Clare, 171; Hugh de Beauchamp, 47; Baldwin de Rivers, 164; William de Percy, 119; Norman d'Arcy, 33. There is no doubt but the conquest of England was planned as a partnership expedition by William and his barons, and that the plunder was shared accordingly. Hume says that no member of the House of Peers, when he wrote, except Lord Holderness (D'Arcy), was descended from the Conqueror's barons.

grants of land which he made to his own kindred were of great magnitude and value. His annual revenue was enormous; but, as stated by the historians of that age,—as quoted by others,—and as hitherto not doubted—not even by Hume, and, we believe, by none, it must have, notwithstanding, been greatly overrated at 400,000*l.*, money of that age, or at least eight millions of the present value of silver. That revenue is asserted to have been exclusive of escheats, fines, reliefs, and casualties. It is therefore incredible that the whole industry of a population, rude in their husbandry, manufactures, and trade, not exceeding, at the most, two millions, and those, as stated by contemporary authors, impoverished and degraded, could, under any system of fiscal extortion, have provided an amount so enormous.

Nor must it be forgotten that he maintained no regular fleet nor standing army. When he required the first, vessels were hired for the occasion, and his feudal authority commanded the military services of his vassals. William brought several Jews from France, and gave them a settlement in England; he introduced the judicial combat; he commanded that the English language should not be taught in schools, nor pleaded in the law courts, nor spoken at court. The French was substituted, and in that language all laws, deeds, and legal records were written, until after the reign of Edward the Third. The people groaned under this tyranny,—and they continued during his reign, and afterwards, to mourn the loss and to pray for the restoration of the Saxon laws.*

* Ingulfus says William restored a few of these laws; and we are informed that, in order to secure the more ready compliance of the

During the reign of William Rufus, who succeeded his father in 1087, the English obtained little relief from this despot, to whom the New Forest proved fatal.* Beginning with this period of despotism, let us now review the effects of ancient Saxon freedom, and its depression under the Norman kings.

In tracing the history of the constitution of England,† we find that from its original Saxon source it flowed on acquiring breadth and strength through the reigns of Alfred and Edward the Confessor,—that, like a powerful river which for a part of its course disappears beneath rocks and earth, it seemed invisible during the reigns of the two first Norman kings,—that it faintly reappeared under the third,—and, that it became the law of the realm, by humbling a tyrant, less than two years before the death of John, who may be considered the last king of the Norman period of British history. From that time it has at different periods acquired those buttresses of solidity which have secured the civil and poli-

citizens of London, he granted them a charter, in Saxon, which says—“William the King salutes William the Bishop, and Godfrey the Portreve, and all the burgesses within London, both French and English. And I declare that I grant you to be all law-worthy, as you were in the days of King Edward; and I grant that every child be his father's heir, after his father's days; and I will not suffer any person to do you wrong. God keep you.”

* It may be remarked, that Richard, the second son of the Conqueror, having been killed in the New Forest, made way for William Rufus; and the death of the latter, in the same hunting ground, which had been so barbarously depopulated, opened the succession to the throne for Henry the First.

† It may also be remarked, that there is no one written constitution of England like that of France, and those of continental states which have constitutions. The constitution of England consists of the Magna Charta and several statutes gradually introduced and enacted, down to the passing of the Reform Bill. The written constitution of the United States of America is intimately affiliated with the constitution and laws of England.

tical liberties of the British nation. Even more, the faithful transcripts of the laws and institutions which originated in the Saxon age, and which gradually acquired strength by resistance to oppression, have passed over the Atlantic Ocean, and have taken firm root in the soil of America. They grew strong, in its invigorating fertility; and, in accordance with the generous nature of the original plant, the Anglo-Americans have matured and consolidated the most free and perfect Republican Government that has ever been framed: securing and extending its benefits to a present generation of more than twenty-five millions of intelligent, active, powerful, and thriving people, who speak the language of, and enjoy nearly the same laws and institutions as, the people of England.

William the Conqueror subverted the Saxon laws, destroyed nearly all the *allodial tenures*, and established the feudal system.* He divided England into 700 chief and 60,215 secondary military fiefs, all held of the crown, and granted to feudal lords or chiefs, who, on pain of the forfeitures of their estates, were, with their followers, to take up arms, on the first command, or signal, and repair immediately to the support of the royal standard. Some other feudal grants were of vast extent. There was no Saxon or Englishman allowed to rank as a chief tenant, and an insignificant

* It is contended by Stuart, in his "Views of Society," and by some other writers, "that the Duke of Normandy did not introduce fiefs into England, but the last step of their progress, the most important, was the knight's fee or tenure by military service." This subservient exaction was the very spirit of feudality. See Note I. at the end of this volume.

number only were permitted to enjoy any of the second. He invested himself with absolute power in imposing taxes, and in assuming the whole executive power. He also exercised the supreme judicial authority, by establishing that formidable tribunal the *aula regis*, of which he, as president, decided on the estates, titles, honors, and lives of all his subjects, even of the barons. He retained the Saxon *County* or *Shire Courts* as tribunals, which he fashioned* to answer his own feudal *polity*. He reserved to himself the exclusive right of killing game throughout the kingdom.* The *curfew* (*couvre feu*), which was, however, a police law previously in force in France, and all his laws, were, until the reign of Henry I., tyrannically executed. History scarcely affords an example of a nation so basely oppressed, or so contumaciously treated as the English were by William the Conqueror, and by the fierce Norman barons. For three reigns afterwards the name of Englishman continued to be an epithet of insult, and a term expressing an inferior, servile, and vulgar condition. Several generations passed away before any name of Anglo-Saxon lineage appears among the families of distinction, or among any of those who acquired any posts of trust or honour.

The English, however, though degraded into obscurity, were not destroyed. Although the whole population of Anglo-Saxon race did not number two millions of inhabitants, and if we estimate that two hundred thousand, certainly not more, were

* The barons, by force of arms, afterwards obtained a mitigation of the rigorous penalties attached to a breach of this arbitrary assumption of the king. See "Charta de Foresta," art. 10. See also note II., at the end of this volume.

destroyed by war, faction, and poverty, and especially by the devastation of the northern counties, it is evident that the remaining population, settled over the kingdom, retained the sturdy spirit of their race, and that they never ceased to demand the restitution of their ancient and beloved laws.

The consequences arising from this fact have been, that from the death of William Rufus, A.D. 1100, down to the revolution of 1688, and afterwards to the present day, the English people have never entirely ceased to struggle for their civil and political liberties.

Before the death of William Rufus a memorable event occurred, which, in one of its consequences, was not apprehended, either by its fanatical originators, nor by the feudal princes and barons, who supported, with superstitious and chivalrous enthusiasm, the madness of all Europe.

The feudal system contained within its organisation the certain elements of decay. Its decline and ruin would have been sure, if left to no other cause of ruin than the rottenness of its irrational construction, which would have worn out industry, and, consequently, the materials that constitute the wealth, without which power cannot long endure. The feudal system had not, however, been long instituted in England before the Crusades caused the first encroachment on the power of the feudal barons. Knights could afford their personal service to the king or to a superior baron, and fight within the realm; but it was impossible to undertake and accomplish distant expeditions without money. The barons had therefore either to fulfil the obligations

under which they held their tenures, by raising money to defray their expenditure in distant lands, or to pay the *scutages*, or commutations for their military service, to the king or superior baron.

The alienation of lands began in consequence with, and accompanied the whole progress of, the Crusades. It will also appear remarkable, that, with the exception of the lands held by the Church and monasteries, and the royal demesnes, the vast estates granted by William the Conqueror were, during the four centuries after his death, nearly all transferred by purchase, forfeiture, confiscation, or grants, to names unknown among the first barons of Norman pedigree.

The degradation of the English under the Norman power commenced in 1067, by the breaking up of their militia and disarming the nation. Twenty-three years afterwards, no more, the fourth son of William the Conqueror was crowned as Henry, surnamed Beauclerc, the First of England. Being an usurper—his eldest brother Robert was at the time returning from the first Crusade—Henry began to court the favour of the nation, and as a popular act abolished the *couvre feu*,—restored the possessions of the Church,—recalled Anselm, the expelled archbishop,—yielded to the Pope the right, constantly refused by his father and brother, to *invest the bishops with the ring and crosier*,—established a land-tax,—and, as far as the Church and barons were in question, he re-enacted the chief laws of Edward the Confessor. He invaded Normandy,—made war against and captured his elder brother Robert,—and imprisoned him within a dungeon at Cardiff, where he died thirty-eight

years afterwards. This prince built and endowed several monasteries, priories, and churches. His character was stained by numerous vices and crimes. He is, notwithstanding all his sins and enormities, highly extolled by the monks.

On taking his coronation-oath, at Westminster, he swore to maintain the laws and execute justice. He also granted a charter, to remedy some of the most odious oppressions imposed by his father and brother. He promised that, at the death of any bishop or abbot, he would not seize the revenues of the see or abbey,—that he would leave the whole to the successor of the deceased,—that he would never farm out any ecclesiastical benefice, nor sell it for money. These concessions secured him the support of the Church. He promised that, upon the death of an earl, baron, or military vassal, his heir should possess his estate, on paying a just and legal *relief*, and be exempted from all violent exactions. He gave up the wardship of minors to guardians, who should be responsible for such trusts. He also promised that he would dispose of no heiress in marriage without the advice of all the barons; that if any baron wished to give his daughter, sister, niece, or kinswoman in wedlock, no more should be required than to consult the king, by whom no money would be exacted for his consent; and that the king would never refuse permission to marry, excepting to an enemy. He also granted to the barons and military tenants the right to bequeath their money or personal estates. He yielded up the privilege of imposing *moneyage*,* and of levying taxes at pleasure on the lands which the barons retained as farms in

* See Note III.

their own management. He professed generally to moderate fines, to pardon all offences, and to remit all debts due to the crown. He commanded that the vassals of the barons should enjoy the same privileges that he gave to his immediate vassals; and he finally decreed a full confirmation and observance of the laws of Edward the Confessor.

Such were the provisions of a charter which Henry deposited a copy of in some one abbey of each shire, as a testimony of his liberality. It is remarkable chiefly as proving the enduring attachment of the nation to their Saxon laws, at a period when the power of the king was sufficient to enable him to evade the enforcement of those obligations. Henry, having secured his throne, blinded and imprisoned his brother, and cajoled the nation, never during his whole reign regarded his promises, nor observed any one of the obligations of his charter: not a copy of which could be found for a long time during the reign of John by the barons, who only knew that it had existed by means of a doubtful tradition. After great research* a copy of it was discovered, and adopted for the groundwork of the Magna Charta.

Progresses were made by Henry with his court throughout the kingdom. This change of abode by the sovereigns afterwards became frequent and burdensome to the oppressed upon whom the king and his *suite* *quartered*. The plea was, that, as the revenue was collected in kind, it was necessary to consume or spend it near the place of collection—a proof of the badness of roads and difficulty of transporting commodities. Henry gave a charter of incorporation to London, including the farm of the

shire of Middlesex, at 300*l.* a year. He exempted the city from danegeld, scot, trials by combat, and lodging the king's servants. He gave the city, also, the power to elect its justiciary and sheriffs, and hold its own pleas, its court of hustings, wardmotes, and common halls.

During Stephen's reign, England was reduced by civil wars to great misery. No concessions were made to the people. Henry the First's charter was evaded, and frequent appeals to Rome increased the authority of the Pope. In the following reign, the insolence of the clergy, and the haughty bearing of Thomas À Becket, nearly supplanted the whole authority of the crown. In order to mitigate the tyranny of the ecclesiastical courts in matters of penance, Henry II. insisted that a civil officer of the crown should be present at each inquisition and judgment. At that period it was calculated that the commutations for penances paid by sinners yielded a larger revenue to the Church than all the taxes and feuds of the crown. À Becket was inflexible, and would not submit. The King, an able prince, was resolved that the civil authority should be established and executed, and he accordingly summoned a general council of the barons and prelates at Clarendon. The barons sided with the king. The bishops found that there was a combination formed against them. They dreaded the consequences, and quietly submitted. They trusted, by so doing, in their spiritual weapons enabling them to evade afterwards the conditions to which they subscribed. These were the laws usually known as the Constitutions of Clarendon. They enacted that

the churches or benefices belonging to the king's see were not to be considered in perpetuity without his consent;—that clerks accused of crimes should be tried by the civil tribunals;—that no one—particularly no clergyman of any rank, should depart the kingdom without the king's approval;—that persons excommunicated by the Church should not be bound to give security for remaining in their usual place of abode;—that laymen should not be accused in spiritual tribunals, except by legal and reputable prosecutors or accusers, and witnesses;—that no chief tenant of the crown should be excommunicated, nor his lands placed under an interdict, until the king's consent should be first obtained;—that appeals in spiritual causes should be carried from the arch-deacon to the bishop, from the bishop to the primate, from the latter to the king, as to the royal court of final judgment;—that when any lawsuit was promoted between a layman and a clerk, concerning a tenant, and if a dispute should arise as to whether the land be a lay or an ecclesiastical benefice, that the verdict of twelve lawful men chosen from among those of the class to which the land appertained; and, if decided to be a lay benefice, the cause should be finally adjudged in the civil courts;—that no tenant in *demesne* should be excommunicated for non-appearance in a spiritual tribunal, until the chief magistrate of the place in which he resided be first consulted, in order to compel him, by proper authority, to give satisfaction to the Church;—that archbishops, bishops, and other dignitaries, should be considered barons of the realm, with all the privileges as well as the liabilities of

that rank; and should be bound to attend the king in his councils, when summoned, and attend trials until final judgment;—that benefices, on becoming vacant, should revert to the king, until a new election received his approval, and the bishop-elect did homage to the crown;—that *barons en capite*, who should refuse to submit to the spiritual courts, on competent adjudication, should be compelled to obey the king's mandate;—that if such tenants withdrew their allegiance from the king, the prelates would use their censures in reducing them to obedience;—that goods confiscated to the king should not be concealed or protected in churches or burial-grounds;—that the clergy should not enforce, by their spiritual authority, debts agreed to on oath or promise, but they must sue in the civil courts;—and, *finally*, that the *sons of villains should not be eligible for ordination as clerks until the consent of the king was first obtained*.

The object of these laws, sixteen in number, was chiefly to curb the power of the Church. The king carried them with extraordinary resolution, considering the ecclesiastical power, and A Becket finally gave his consent in the council, and took an oath, *promising legally, with good faith and without reserve or fraud, to observe the constitutions*. They were transmitted to Pope Alexander III. for approval. Henry could not have committed a greater imprudence; but as he had formerly aided the Pope, he expected a ready acquiescence. The crafty pontiff at once perceived that those laws would render the King of England independent of the papacy, and he condemned and abrogated

all those constitutions, excepting six, which were of no importance whatever. A Becket then pretended the most sorrowful contrition, and subjected himself to penance for having committed a grievous error—a sin, he declared, only to be forgiven through repentance and mortification, and he implored the other bishops to join him in measures for overturning the constitutions of Clarendon. We shall not enter further into this prominent question in English history, than to remark that, although the haughty prelate was assassinated, the Church was triumphant; and that this great king, who was the most equitable administrator, and the ablest prince of the age; who was the conqueror of Ireland; who defeated the Scots, captured their king, and reduced them and the rebels of Northumberland to submission; who maintained a disciplined army by commuting the knights' fees for scutages; who abolished the barbarous custom of confiscating the ships of foreigners wrecked on our shores; who, with impartial inflexibility punished murderers, robbers, housebreakers, and false coiners, by cutting off their right hand and foot, and in consequence abolished the former barbarous commutations of crimes on the payment of fines,—and who divided England into its four judicial circuits, in order to enable the people to obtain justice, and protection against the oppression of the barons, and also to secure property and punish offenders,—that this mighty prince was prostrated before the Church,—was compelled to *act the penitent*,—to bow to the superstition of the age, and to the power of the clergy.

On the 8th of July he approached on horseback, riding towards Canterbury. On perceiving the cathedral Henry dismounted, stripped his feet of their covering, walked barefooted into the town, entered the temple, and fell down before the shrine of À Becket's bones,—remained sobbing, praying, and fasting all day; and in that position watched over the shrine all night, uttering expressions and sighs of bitter contrition. On the following day he laid bare his back, and having provided *scourges*, he handed one to each of the assembled monks, and received from them eighty lashes on his naked flesh.

The kingdom was tranquillised. The popular wrath was appeased. The turbulence which had prevailed, was in reality a manifestation of national feelings, rather than an outbreak of religious fanaticism. Thomas À Becket was an Anglo-Saxon. The severe prosecutions which that prelate had endured from Henry were considered by the whole English nation, who abhorred the Norman rule, as arbitrary, impious, and cruel. No greater misfortune could have befallen Henry than the murder of À Becket. Though altogether innocent of that crime, the whole superstitious and religious mind of Europe arraigned him as the perpetrator, by his agents, of putting to death the primate of his kingdom, within the sanctuary of the church, and while performing at the altar the holy rites of mass.

The Norman domination over England for 148 years—from the year 1066 to the year 1214, when King John was finally deprived of the last fragment of Norman dominion in France—constitutes a re-

markable and calamitous period of England's history. Yet during that century and a half the Romish Hierarchy, notwithstanding all its vices and its assumptions, claim the veneration of the English people. It is to that Church they owe their nationality, and the preservation and force of their language. It is true, that its masses were performed in Latin; but its priests and monks conversed in Saxon, and felt with and consoled the people in their own tongue.

In France, the Norman authority vanished in the year that its power ceased in England. The Normans ruled over a great part of France for about 300 years, or about twice as long as their kings and barons held dominion and authority over England. In both kingdoms they instituted the feudal system, the judicial combat, and the law of primogeniture; although the kings were never scrupulous as to usurping the succession, and never staggered by the commission of crimes which would tend to strengthen their power or maintain their authority.

We have enumerated the leading acts of William the Conqueror. His son, William Rufus, was nominated his successor, by will. He did not then succeed by primogeniture. He was as great a tyrant, but a far inferior prince to his father. He punished his enemies by tearing out their eyes, and by emasculation. His brother Henry, the fine scholar, usurped the throne, defeated his brother, and confined him for life in prison.

On many others he rigorously enforced the like barbarity, as well as that of emasculation.

Stephen was also an usurper. During his reign of

nineteen years the clergy acquired many concessions; and more abbeys were founded and erected than during the preceding century. Being insecure on his throne, he granted every licentious privilege which they asked to the barons and knights, who erected above 1500 strongholds; and who, as robbers, plundered the country, and frequently one another, during his whole reign. The forests were, at the same time, the retreats of murderers and thieves; and the only asylums of safety were the monasteries, through all that calamitous age.

Henry II., the first of the Plantagenets, levelled many of the castles of the feudal robbers, and instituted a vigorous system of justice. He had, however, no regard for truth, and a cardinal, Vivian, who was fascinated with the courteous manners of Henry, declared that "never did I witness this man's equal in lying." Englishmen continued, at the same time, to be treated with contumely by the Normans; but, notwithstanding, one Englishman became the primate of England,* and another a pope.† Richard I. only passed four months of his reign among his English subjects. He did not speak their language. He was a troubadour, and a knight of extraordinary valour and renown. As a king, he was an unjust administrator and a haughty tyrant. As a man, he was insatiably avaricious, a notorious sensualist, and a vindictive monster. He is, however, famed for his exploits in Palestine, and by the romance of his captivity, in an age of dragons, enchanters, giants, and other marvels. It was also an age of chivalry.

* Thomas à Becket, in 1162.

† Nicholas Breakspeare, Pope Adrian IV., in 1154.

Not in England an age of toleration; for the Hebrew race were prohibited to appear, and were nearly all massacred in London on Richard's coronation. At York, Lincoln, and Norwich, they were cruelly *tortured*. At York great numbers committed suicide, by burning their dwellings and perishing in the flames, having first put to death all their women and young children. Thus was the crusade of this reign, considered as having been commenced in England. Plunder, not religion, was the motive for these enormities, in which the chief citizens of London were engaged. At York the bonds due to the Jews were lodged in the sanctuary of the cathedral. The barons and others who owed the money suddenly broke open the sacred place of deposit, and burnt their obligations, as a pious sacrifice.*

There never existed a more reckless prince than Richard I. with respect to all the interests of England and the welfare of his subjects. Although he found a large treasure in his father's exchequer, he determined to sacrifice all property to the purposes of his *crucial* knight errantry. He set up for sale crown lands, crown revenues, and crown offices. He sold, without shame or dignity, the offices of *high judiciary*, in whom the supreme administration of the laws were invested, to the Bishop of Durham, as the highest bidder. The same prelate bought the earldom of Northumberland. He sold the offices of sheriff, forester, and many others; and he declared,

* See the Annals of Waverley. The author "blesses God for thus delivering the impious race to destruction."—Waverleiensis Annales (Gale, Scriptores, vol. iii.), of which there is a good copy in the Athenæum Club Library.

that if any purchaser came forward to buy London, he would sell him that city.* He sold the vassalage of Scotland, and the fortresses of Roxburgh and Berwick, for 10,000 marks. All these sales were acts which, though immoral and unjust at the time, led to consequences far from useless to the liberties of the English people.

When Richard was slain in France, after his return from his captivity, John usurped the throne.

Of all the kings of England, John is the most detested and the least respected in history; yet we owe the first established recognition of our liberties to the wickedness of this tyrant.

Cowardice, rashness, sensuality, falsehood, avarice, cruelty, ingratitude, and a disregard for all kindred affections, are by all parties charged against King John. He disgusted the ecclesiastics by his indecencies, and extorted their revenues without remorse. He oppressed the barons, and demanded their children as hostages for their allegiance. He without scruple violated justice and deflowered chastity. He divorced a virtuous wife and married an unfaithful beauty. He was inconstant to his queen, and had at least ten children by several mothers. His young wife revenged his infidelities by having many lovers. He retaliated by hanging them over her bed. Such were the morals of that age.

On his brother Arthur, the heir to the throne, being taken prisoner, none of the barons or knights would consent to put the young prince to death, nor could a trusty assassin be found by John. He is ac-

* At that time the kings assumed that all the towns belonged to them as fiefs or manors.

cused of plunging a dagger into his heart in the castle of Rouen, and, by attaching stones to the body of the murdered prince, to have sunk it in the Seine. No good authority denies this crime. The prince was never seen afterwards. The King of France summoned John to prove his innocence or guilt of the murder. John answered by contumacy.

While England was governed by the meanest tyrant and most incapable of her monarchs, two great personages held power in Europe. One, at the age of only thirty-seven, a man of extraordinary energy and capacity, was elected Pope. This personage was the energetic Innocent III. The other was the renowned Philippe Augustus. Had the latter been sovereign of England and Normandy, and had John been king of France, it is more than probable, according to all human reasoning, that the history, the language, and the manners of both kingdoms would have been merged in one government and in one dominant power, and that England would have become a constituent province of a Gallic empire.

Fortunately for England, the energy and wisdom of Philippe Augustus put an end to the Norman rule in France and over England. Happily for our civilisation, the authority of the Pope laid John under an interdict, which reduced his power as a feudal king; and, although it humbled him into a vassal under Rome, during his reign, it opened to the barons and to the Church reasonable grounds of resolute and temperate resistance to the authority of the tyrant. Philippe Augustus having utterly destroyed the power of John in France, rendered him

altogether dependent for authority, revenue, and power, on Englishmen, and on those Norman barons who preferred to become Englishmen rather than forfeit their estates, while the defeat and humiliation of John extinguished the Norman power in England and in France, and opened the commencement of a new and great era in the progress of both nations.

CHAPTER III.

FIRST ENGLISH PERIOD OF BRITISH HISTORY, 295 YEARS, A.D. 1214 TO THE DEATH OF HENRY VII. 1509.

THE Saxon period, which, combined with the Danish, consisted of ages in which a spirit of national independence, a love of personal liberty, rudeness of manners, and generosity of spirit,—enthusiastic piety and reverence for the Church,—the contentions of thanes and internal quarrels, were conspicuous. It was also a period during which England was continually disturbed and awed by foreign invasions and devastations. The last of the many plundering expeditions of the Scandinavians was followed by the Norman conquest and domination.

The period of independent English history includes,—*first*, the attempts to render France as subject to the English as the latter was formerly to Norman power, and which attempts, though partially successful, and nearly always heroic, have, happily for England, been rendered abortive, by French ascendancy and supremacy in France. *Second*,

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the struggles between the English sovereign and the nation,—the king for absolute power over his subjects and their property, the nation for their natural rights and political liberties. *Third*, the contentions of rivals, either real heirs or *pretenders* for royal succession or power, or the civil wars of the Red and White Roses; *fourth*, the disputes between the Popish hierarchy and the crowned sovereign, involving the religious and civil commotions inseparable from such quarrels; and finally the establishment of the Protestant, as the State-Church; and the real foundation of England's commerce and navigation, in the reign of Queen Elizabeth.

At the time when England became free of Norman domination, a sovereign, the most ignominious of the race of Rollo, was king. The government and the administration of the laws were then, and during the whole Norman period, arbitrary and unjust,—the Church powerful, though its property was often plundered by Richard I. and by King John. The English people had never ceased to mourn for, and they continually demanded, the laws of Edward the Confessor. As to these laws, we can only infer that they were the *common law*; and that from the *provisions* in the charter extorted from King John, their chief elements have been embodied in that celebrated and admirable act, which now forms the first written law of the constitution of England.*

Before referring further to the leading circumstances which preceded the granting of Magna Charta, we may observe, that all who would truly

* See appendant illustrations and notes to this volume.

appreciate the present comparative happy condition,—the domestic peace,—the personal liberties,—the spirit of independence, combined with the love of order, and the moral and political aversion to turbulence and to anarchy which prevails among and characterises the people of Great Britain, will acquire profitable instruction by examining the administration and condition of England, first, through the Saxon, and, secondly, during the feudal government of the Norman kings.

Under the latter they will find that in the magnificent castles and forests of Normandy, and at the hunting-grounds of the Norman kings and barons, whenever they deigned to reside in England, the chivalry of the Normans was bold and generous,—their tournaments graceful and magnificent,—their entertainments adorned with beauty and arranged with elegance,—and their feasts plenished with the delicacies of artistic cookery, and wines of the choicest preparation. Their original customs and habits were as rude and as natural as those of the Saxons; but they adapted themselves with remarkable pliancy to circumstances. They were a bold, but small minority when they acquired dominion in France. They adopted the speech of the great majority of the people, and they refined a rude tongue and made it the language of poetry and of erudition. The Normans became orators, as well as troubadours, their dukes chivalrous kings, and their nobles gallant knights. In Sicily, which they conquered, they introduced none of the customs, the usages, or the language of their Teutonic forefathers. But wherever they conquered they ruled

with absolute authority, and their moral and political maxims were made subservient to the *inexorable rule of feudal domination*.

This stern rule was defined on the part of the sovereign by denying all independent action to the barons, knights, and people which did not correspond with the will of the supreme chief of all,—the king, who held every family in the kingdom in bondage to himself by knight service and vassalage. His fines, tenths, fifteenths, scutages, and taxes, on hundreds, and various extortions, were uncertain in number and amount, and endless in exaction and practice. Under the Saxon period the ecclesiastics managed to evade paying taxes for their lands. They never escaped under the Norman kings, who practically considered England no more than as a great field for plunder; and who often subjected the monasteries to spoliation, and the priests and abbots to fines and confiscations. Henry VIII. was not the first king of England who seized upon Church property, abolished monasteries, dispersed their inmates, and appropriated their lands and their effects.

William the Conqueror spoliated the Saxon clergy—Henry the Second seized À Becket's revenues—Richard laid the abbeys under contribution,—he made the Cistercians compound by paying 150,000 marks for their wool, he exacted the fourth of the rents of the clergy, and a fourth of some, and the tenth of the revenues of all clerks. The Norman kings laid down as an absolute feudal tenure, that every manor, even those of the church and abbeys, was held either immediately, or mediately, as a benefice, of which the possessor was

a tenant of the crown, either *en capite*, or as a subvassal: for the tenants of those manors were all bound by specific services. Beyond these it was understood the king could assemble his barons when he demanded extraordinary aids or grants. The attendance of the barons on those occasions, considered by some a privilege, by others a grievance, was termed the *civil*, in contradistinction to the *military* service of the barons and manorial lords.

During the Norman period the kings held the barons under fully as great submission as the barons held their own vassals. But after the Norman rule ceased, both in England and in France, the barons acquired the real, while the kings possessed little more than the nominal power; excepting when the frequent quarrels between the barons enfeebled their strength, and increased the regal authority.

The king had his special officers and servants. His power to summon the barons to his court, as the supreme council of the nation, was acknowledged, inasmuch as the authority of the barons over their own vassals was grounded on the vassalage of the barons to the king; but they endeavoured, as far as possible, to excuse themselves for non-attendance at the king's court. In their own courts, the barons were even more important than the king in his thinly-attended council; which, instead of being considered a representation of the commonwealth, was shunned by the barons as a court in which their presence exhibited them acknowledging servitude and homage, in their true character, to the king, as their supreme feudal lord. Among their own vassals, in their feudal residences

and on their manors, each baron considered and felt himself to be an independent prince and sovereign. In their courts, the barons assembled their vassals; the latter sat with their lords, while they also did him suit and service. They were servile and devoted; but they were admitted to the society and hospitality of the castles or manor-houses of their chiefs. They were vassals of the baron, but peers with each other, and companions of their baron. They became, it is true, completely subordinate to their chief, and they were constantly before or near his person. They usually loved him; they seldom feared him; but they invariably respected his authority, and were ever faithful to him as their head. They looked up to him as the most wise, brave, and powerful of men. We may trace back to this state of the feudal manners the respect, amounting nearly to reverence, which has prevailed ever since, in all the rural parts of England, on the part of the people towards the country *squire*, or magistrate, to the country gentry, and from all below to those upwards, in each grade from the cottager to the chief members of the aristocracy. There existed no such bonds of either affection or servility between the king and his immediate vassals as between the barons and their feudal tenants. The king had, therefore, recourse to stratagem and the despotic exercise of his superior prerogatives. All the Norman kings succeeded, until John was degraded by the Pope and subdued by the barons.

The Norman kings possessed, *de facto*, great, undefined, and almost unlimited power; and if John had been, in character and spirit, a Philippe Augustus or a Richard I., neither the barons nor the

Pope would have subdued nor degraded him as an absolute sovereign. The great barons, though supreme rulers over their vassals, were also rapacious, in order to support the expenses of their castles or courts, with their stately ceremonials and magnificent banquets, and with their justiciary, chancellor, seneschal, mareschal, constable, and other officers. But as the barons were turbulent, and often at warfare with each other, their dissensions strengthened the authority of the king; while, during periods of tranquillity, they could generally obstruct the execution of his mandates within their respective manors and baronies.

The ecclesiastical barons considered themselves, as prelates or abbots, altogether independent of the state, and accountable only to the Pope. They were not amenable to the civil tribunals, and their crimes were only punished according to the decisions of the judgment of their own courts. William the Conqueror prohibited their sitting in the county courts, the only Saxon tribunals which he retained, but which he reduced to subserve the spirit of his own administration. Although he encouraged a superstitious veneration for Rome, he separated the connexion which, under the Saxon period, united the clergy and laity; and the former and their vassals received nearly one half of the whole of the knights' fees of the kingdom.* They were therefore created by him barons and knights, as his vassals; and while they also held the clerical authority,

* The whole number of knights' fees were 62,215; of these the clergy held 28,215. See Spelman's Glossary—Forests and Royal Demesnes. See also notes at the end of this volume.

their *benefices* were held of the crown, on military terms of *suit* and service. As the clergy could have no legitimate children, on their death the king considered their *benefices* as reversionary, and then as re-invested in the crown.

The law or institution of primogeniture rendered the lands of the lay barons and knights hereditary, but not secure, for the king reserved to himself so many pretensions of resumption, forfeiture, and fines, that there was no safety but in combination, resistance, and force, among the lay barons themselves.

The feudal system, though no doubt intended for permanence, contained none of the elements of unity and stability. The Norman barons were left to defend themselves against each other, and against the Saxons, who, by degrees, began to resume the attitude of defiance. Those Saxons, who still retained any land as *Franklins* or *Freilings*, retained also the confidence and affection of the whole people; while at the same time numerous bands of the English, who had sought refuge in the forests, subsisted by foray, and by surprising the residences of the Norman barons. The latter, for defence and for gratifying private revenge among themselves, held as paid retainers such of the outlaws as surrendered, or were tempted to their service. These ferocities were tempered only by the spirit of chivalry, the trial by combat, and by the gallantry of tournaments.

During the turbulence of the feudal age, the attachment of vassals to their chiefs, and the social relations which subsisted between the baron and his followers, were maintained by that mutual pro-

tection which the one required of the other as essential to their personal safety. The civil jurisdiction and military authority were also united, and formed an inseparable bond of feudal union between the baron and his vassals. The laws were for a long time simple and summary, and every military leader comprehended them with facility, and executed them with promptitude. The Norman barons, who followed William the Conqueror, understood no other political constitution, nor did they conceive any other possible form of government. Though they were held in strict vassalage in England by the kings during the Norman period, the barons, like the German feudal chiefs, asserted that, without their own consent, the absolute will of a supreme lord never would bind them, who were men trained up in honour and in arms. In controversies, only, between themselves, and in demands made by the king for services, or aids not included in their tenure, they stood on their right to be present with their sovereign, in the great council, to give their advice to him, and to give or withhold their consent to his decisions.

This *advice* and *consent* constituted the fundamental *civil service* of the feudal barons; and were in momentous cases deemed by them the bond of security for their dignity and property. The king was anxious that his council of barons should be numerously attended, as it drew them away from their independent rule on their own estates, and constituted the only marked badge of their vassalage to their superior lord. The barons, however, were always loath to attend, except when making

common cause, not for, but in opposition to the king; and they always considered it inconvenient, expensive, and even degrading, to leave their estates in obedience to the royal summons.

In England, until the time when the **MAGNA CHARTA** was extorted from King John, and until the Norman barons began to amalgamate with the Anglo-Saxon nation, the kings were, to a great degree, absolute sovereigns over their barons. But after the granting of Magna Charta, the feudal barons began to constitute a powerful aristocracy, which acquired fresh strength on every succession to the throne, until the growth of towns, and the wealth acquired by commerce, began to favour the royal authority, and diminish the power of the barons. It was to the towns chiefly that the kings looked for relief in their distress. It is a remarkable fact that, when King John granted the charter, the barons, who would not trust so base and false a king, insisted not on personal, but the capital of England, as the only real security for the due performance of the obligations which he contracted. It was accordingly demanded by the barons, and consented to by the king, that the city of London should be put into their possession, and that the Tower of London should be held in the custody of the Archbishop of Canterbury, until the 15th of August following, and until the several stipulations of the charter were carried into complete execution. Twenty-five trustees were appointed by the barons from among themselves as conservators of their liberties, with no restraint on their authority, or limit to the duration of their

trust.* It was provided that if any attempt were made to violate the charter, either by the king, his justiciaries, sheriffs, or foresters, four or more of the conservators had a right to admonish the king to redress any grievance complained of and proved. If he declined to give the satisfaction demanded, then the whole council of twenty-five were to assemble in conjunction with the great council of the nation; and they were together authorised to compel the king to fulfil the provisions of the charter. If he resisted, they were authorised to levy war against him, attack his residence or castles, and employ all their force and violence: the safety of his person, and that of his queen and children, being alone guarded from injury. The conditions were further secured, by its being provided that all persons throughout the kingdom were bound, under the pain of confiscation of property, to swear obedience to the twenty-five conservator barons.† In each county the freeholders were empowered to elect twelve knights, who were to report to the conservators all grievances which required redress, and all violations of the Great Charter. The twenty-five con-

* The names of those conservators were—The Earls of Clare, Albemarle, Gloucester, Winchester, Hereford; Roger Bigod Earl of Norfolk, Robert de Vere Earl of Oxford, William Mareschal the younger, Robert Fitzwalter, Gilbert de Clare, Eustace de Vescey, Gilbert Delaval, William de Mersbray Mayor of London, Geoffrey de Say, Roger de Moubray, William de Huntingfield, Robert de Roos Constable of Chester, William de Aubenie, Richard de Perci, William Malet, John Fitz-Robert, William de Lanvalay, Hugh de Bigod, Roger de Montfichet, and one other not named.—MATHEW PARIS.

† About fifty of the principal nobility swore that they would obey the commands of the conservators.—*Ibid.*

servators were rendered *co-ordinate* with the king; and, if it were not for their personal disagreements, they were really invested with the executive power of the realm. As there was no act of the king which, as Hume observes, "either directly or indirectly, might not bear a relation to the security or observance of the Great Charter, there could scarcely occur any incident in which they might not lawfully interpose their authority." The mutual jealousies, however, of the conservators, and the personal interests or passions of the other barons, usually enfeebled their power, and rendered their authority of little public utility. The supreme legislative power was of far greater authority than the control lodged in the conservators. This legislative power was still invested in the king and the great council, or what was afterwards called the parliament. The archbishops, bishops, and most considerable abbots, were members of this legislature. They sat in this council by a prescriptive claim, founded on a privilege or assumption, extending from the first establishment of Christianity down through the whole Anglo-Saxon period; and they afterwards asserted as their right that of *baronage*, from holding of the king, *in capite*, by military service.*

* Mr. Hume observes: "When the usurpations of the Church had risen to such a height as to make the bishops affect a separate dominion, and regard their seat in parliament as a degradation of their episcopal dignity, the king insisted that they were barons, and on that account obliged, by the general principles of the *feudal law*, to attend him in his great councils. Yet there still remained some practices which supposed their title to be derived merely from ancient possession. When a bishop was elected, he sat in parliament before the king had made him restitution of his temporalities; and during the vacancy of a see, the guardian of the spiritualities was summoned to attend along with the bishops."

The military, feudal, or lay barons, were it not for the spiritual rule exercised by the Church, would have been by far the most powerful constituent order of the great council* or early parliament of England. They held their civil rights from their military service, which they owed as vassals to their supreme chief, the king; and they held their real power by the extent of their estates and the number of their immediate vassals. Their wealth consisted in the labour of their *villeins*, and of the cattle and swine reared on their lands. They maintained, though they did not often exercise, the right to be consulted by the king on all great questions of state, and on all controversies which affected themselves individually or as a class. When resolutions involving great affairs were taken without their consent, they either resisted their execution, or allowed their operation with indifference, according as the one course or the other suited their particular or general circumstances. All earls were barons, *hereditary* as well as *manorial* and *official*; and when the barons combined against the king, as they did, sword in hand, against John, their power was irresistible. The king, however, if a brave and able ruler, could, and did, generally baffle all combinations; and he held in service another class of vassals, not barons, who might have greatly strengthened his authority. This class consisted of the tenants *in capite*, who were a smaller order of knights, yet holding immediately of the king by suit and service. A *baron's* estate usually comprised several knights' fecs, sel-

* In Latin usually styled, "Magnum Concilium Regis." In Saxon, "Mickel-Synoth," great council; or, "Mickel-Gemote," great meeting.

dom of less area than fifty hydes of land, the average area of each knight's fees being four hydes of land.* These small tenants *in capite*, holding direct of the king, had, as such, a right to a seat in the supreme council or parliament; but the expense was considered so burdensome, and their absence from home so inconvenient, that they seldom availed themselves of their right.

We have thus a tolerably clear knowledge of the authority of the king, the services and the rights of the barons and of the smaller knights; and also of the vassalage due to the king from, and the assumptions of power persevered in, and practically exercised by the ecclesiastics in the great council of the nation.

As to the Commons, or representatives of counties and towns, there is scarcely any, or rather no proof that they existed until a long period after the Norman Conquest. The Magna Charta does not mention nor exclude them, and they afterwards came within its provisions. It stipulates in favour of *freemen*; but it is evident that *freemen* meant not a burgess or serf, but a *freeholder* of land; and none but the ecclesiastics, the barons, and lesser tenants *in capite*, and *allodial* proprietors,† were considered

* England comprised 243,600 hydes of land, divided into 60,215 knights' fees. A barony relief was about twelve knights' fees, or from forty-eight to fifty hydes.—*Spelman's Gloss.*, verb. "*Feodum*." All the immediate military tenants, according to Domesday Book, amounted to 700.

† The allodial proprietors were merely the few Anglo-Saxons who were allowed to retain some lands on their old free tenures, liable to taxes but not to military service, of which they were considered unworthy. It is not easily proven if those who held lands on the ecclesiastical or alms-paying fealty of frankalmoyne, were considered *freemen*; and, practically, both those and the allodial proprietors, and even the *free* and *common soke-men*, held for a long time, with reference to civil rights, base tenures.

as within the grants extorted from John at Runnymede; nor were the vassals of the barons in any degree comprised, except in so far as they were represented in the great council of the nation by their respective barons, or tenants *in capite*. It is true that the *barons* were bound to extend the provisions, which the king granted them by the charter, to their immediate vassals.

All historical authority proves that, for the 200 years from the beginning of the reign of William the Conqueror to the reign of Henry III., no mention is made by any writer of that period of any act of the House of Commons;* but they all, when speaking of the great council, describe it as an assembly of the barons and great men; and the feudal laws prohibited a knight from marrying his female ward to a *burgess* or *villein*, who were considered of the same despicable class. It was not until a long time after the towns were incorporated, that they began to assume importance. It was not until they formed commercial communities, that they advanced socially above the *villeins* in civilisation and influence, and that they aided the kings in opposing the turbulence of the barons.†

It must not, however, be overlooked in the history of the redemption of our liberties, that, before the power of cities in England had arisen, the degrading tyranny of the Norman forest laws, and the interference of the kings in the marriages of the daughters

* Sometimes the historians mention the people, *populus*, as a part of the parliament; but they always mean the laity in opposition to the clergy. Sometimes the word *communitas* is found, but it invariably means *communitas baronagie*.—BRADY.

† See the interesting work of Madox, "*Firma Burgi*."

of the barons, were humiliations, which the latter discussed in their halls,—aroused their pride, and finally caused that combination which gave us the first existing charter of our freedom. Even the Normans in England began to value the superiority of Saxon liberty over the feudal system. The barbarous custom introduced by the kings of *lawing* dogs, often exasperated their passions and caused them to commit acts of turbulence.*

Yet the Saxon institutions, which were remarkably democratic, could not have been congenial to military leaders. The Saxons elected military chiefs to lead them in war. In peace, however, and in all legislative proceedings, the real sovereignty was vested in the Mickel-Synoth or Mickel-Gemote; and although they submitted to the yoke of Gregory VII. and his successors in matters of religion, they never yielded up their civil liberties to any king or military leader. The rights of the people and the authority of the Church were so intimately combined, that a positive law declared, that if the king did not defend both, he should forfeit his title and authority.† During the latter part of the Norman period, and long afterwards, while the feudal laws were declining, the popes and the ecclesiastics endeavoured to substitute the Roman or civil law for the common law in England. Considering the intimate connexion which subsisted between the clergy and the people, it ap-

* *Lawing* hounds and other dogs, to render them useless in hunting, consisted either in cutting out the ball of the forefeet, or three claws off each forefoot. See "*Charta Foresta*," cap. 5, of Henry III. King John dying the year after he granted the charter, that of the forest remained in abeyance, until enforced by the regent Pembroke.

† "*Nec nomen regis in co. constabit, verum nomen regis perdit.*"
—*Dictum in the Laws of Edward the Confessor.*

pears almost marvellous that the Church failed to succeed. It is, however, probable, that the inferior priests, who were by far the most numerous, and who associated with the people and spoke to them in Saxon, were not in these points favourable to the Roman laws, and that they, as well as the people, hated all foreign interference with the laws of their traditions and most endearing associations.

The periodical meetings of the great council were held at Christmas, Easter, and Whitsuntide; but the king could summon a meeting at any time or place. The barons, with their vassals, he could also summon to attend him as the military force of the nation, and employ them for defence or aggression during forty days.

The supreme executive authority was altogether a royal prerogative. The judicial authority was also vested in, and primarily and ultimately administered by, the king in his own court (*Curia Regis*); and in, and under that court when he was absent, by his chief justiciary; and, whenever he pleased, by officers and judges appointed by him.

Before the end of the Norman period of English history, two powers—the one recognised as a great spiritual and regular institution, the other an illegal physical force—contributed to restrain the tyranny of the king. The first was the Church, which, notwithstanding the feudal authority of the king, exercised by the intellectual force, the superior knowledge, the accomplished manners, and the persuasive speech of its dignitaries and priesthood, a powerful influence over the superstitious fears and prevailing ignorance of the whole kingdom, which no sovereign of England

until the reign of Henry VIII. was ever able to subdue. The second was the physical force power of the *villeins* and burgesses, whom the barons frequently brought to their aid in resisting the tyranny of the king. The fear of the kings with respect to this latter power was so great, that they usually held some of the sons or nephews of the barons as hostages for good behaviour.

The burgesses began early to feel their degraded position; and by degrees the barons, for their own preservation, found it prudent to conciliate the goodwill of their serfs, as well as the favour of the inhabitants of the towns, as the latter became industrious and enterprising. London, in opposition to King John, opened its gates readily to the barons. York and other cities either preceded or followed the example. Riots were not unfrequent in London; and in the latter end of the reign of Richard I., a popular lawyer, named Fitzosbert, surnamed by the citizens "*Saviour of the Poor*," formed an association, said to have numbered about 50,000 persons, who bound themselves to obey his orders. Murders were daily committed, and numerous houses were broken into and plundered by those rioters, who, under their leader, pretended to be asserting their English rights. When this audacious demagogue was summoned before the high justiciary, he fearlessly appeared, but he was so formidably attended by his followers, that no one dared to accuse him. He was afterwards arrested and executed. It was during the same period that Robin Hood, supposed to have been an outlawed baron, rendered Sherwood

Forest and the neighbouring country subject to his forced contributions.*

There is one subject, always important, with regard to which it would appear that all the writers of the Norman and early English period of our history seem to carry their views and estimates to an extreme point of exaggeration—that is, the revenues of the kings. We have already adverted to the improbability of the amount assigned, even by Hume, as the revenue of William the Conqueror; and we are of opinion that, comparatively speaking, all but the three first Norman kings and their successors were commonly in a state of fiscal poverty. We base our opinion on undeniable facts. First, on the limited number of the whole population, and of the inhabitants employed in productive industry and commerce, and on the low state of agriculture and manufactures; second, on the proportion of the products of agriculture and of pasturages, which must have been consumed by the barons and ecclesiastics and their retainers, and within the monasteries; and consequently to both those facts, the impracticability of levying a great revenue, notwithstanding the extraordinary and independent powers of the Norman kings to levy taxes, tallages, impose fines, tolls, tunnages, poundages, and other burdens, within the towns and royal demesnes. Besides which, he also levied Danegeld, when Danes no longer invaded; scutages for knights' fees, aids to portion his eldest daughter,

* Robin Hood is described by Sir Richard Baker as "Honestly dishonest; for he seldom hurt any man, never any woman; spared the poor, and only made prey of the rich."

and make his son a knight. His revenue was considerable from escheats, reversions, vacant monasteries and bishoprics; estates of minors, and other lands in *manu regis*; wardships, reliefs, marriages, presents, bribes, permissions to trade, moneys received for letting the *ferm* of towns and villages; for monopolies, erecting guilds and corporations. Large sums were extorted from the Jews, who were considered by the barons as burgesses unworthy of protection, although they lived in England under express charters of privilege from John and Henry III., and were allowed to hold lands, houses, and mortgages.* They were tallaged and fined both as a community and as individuals, by a special Judaic Exchequer (*Scaccarium Judæorum*). Lastly, bribery and corruption were the chief secrets to the royal favour, and the history of the Exchequer affords an extraordinary and amusing index to the political and social, as well as to the fiscal condition of England, for several centuries after the Conquest.† The kings, even Henry II., on their sole authority, without any judicial trial, constantly imprisoned, banished, and attainted the freemen of England; often without any object but to extort money for the pardon of crimes never committed, and for penalties that were never incurred.

Mankind must have been in a servile condition, and society in a degraded state, within a country,

* When the Jews were expelled from England in 1290, their houses, lands, and chattels were *escheated* to the king, and the debts due to them were never paid by the borrowers. Madox's "History of the Exchequer," vol. i., cap. vii. See note at the end of this volume.

† See Madox's "History of the Exchequer," and note at the end of this volume.

when we find, during the reigns of Stephen, Henry II., Richard, and John, that trials in the King's Court were only obtained by fines and bribes. These favours were openly sold, and the names of the persons who paid them are numerous recorded.* The canons of York were fined 100*l.* for not coming to York at the king's summons. Jeremy of London, fined 100*l.* for flying into a church, and not coming out when called to attend the King's Court. Ivo, husband of Emma, amerced four marks for withdrawing from a duel. Geoffrey paid King Stephen 3000*l.*, money of that day, for his office of chancellor. In the 7th of King John, Wallen de Grey paid the king five thousand marks to have the Chancery during life. Fines were extorted, payable to the king, for liberty to plead, for *expedition* of trials, for gaining and for retarding suits,—in fact, for bribing the king and also the judges, who partook of the plunder. In suits for recovering debts, the king, in case of recovery, was to receive a fourth or a half of the debt. The county of Norfolk paid a heavy fine, or bribe, that it might be fairly dealt with in the King's Court. Several boroughs paid fines for liberty to plead, that they might be dealt with according to the king's (Henry I.) charter, which they had for their liberties. Several hundreds of Northamptonshire paid a heavy fine that they might be heard *without impeachment*.

Richard, son of Gilbert, paid the king 200 marks of silver for the king's help to recover his debt against the Jews. The Bishop of Rochester paid 60 marks,

* See Madox's "History of the Exchequer," vol. i., cap. iii.; "Firma Burgi," and other authorities.

that he might not plead against Fulk de Fontibus otherwise than according to the charters of his Church. Serlo, son of Turlleston, paid 10 silver marks, that he might be allowed to defend himself against a certain charge of homicide, in case of being prosecuted. William de Adredeshall gave 500 silver marks, payable to the crown, if the King's Court should prove that Grace, wife of Adam de Nevill, was not the daughter of Thomas de Selbi, and if thereupon he should recover the land which he claimed. Ralf, parson of Ecclesfield, paid 20 marks and a palfrey, to bring before the king the *recognitours* who gave a verdict against him. Fines or bribes were classified, as to how much should be paid for expediting causes, and how much for obstructing proceedings in the courts. Robert Fitz Gerard paid the king two ounces weight of gold, that he might recover his land by *Duell*.

So that, *de facto*, those who paid the most were always successful in the king's courts. The men of Sudworke (Southwark) paid 8*l.* to have respite in their plea against the men of London. Many other towns followed the like practice. When money was not forthcoming, these bribes were taken in kind, chiefly in palfreys, hawks, poultry, lampreys, shads, &c. The wife of Hugh de Nevill gave the king 200 hens for the privilege of remaining one night with her husband.

There are countless names of ladies who paid large sums for being allowed not to marry men whom they disliked, or for putting off the period fixed for their marriage. Gilbert de Maisnil paid the king ten marks of silver, for liberty to have a wife. Walter de Caney gave 15*l.*, for leave to, marry when or

whom he pleased. Lucia Countess of Chester gave five hundred marks weight of silver to the king, that he might not force her to marry for five years. Similar cases fill the early records of the Exchequer.

Many were, on frivolous pretences, charged with crimes, in order to execute or outlaw them, so that their effects should be confiscated to the Crown as the property of felons, and to the exclusion of their wives or children : a barbarous law, which still exists; though convictions for crimes are now scarcely ever unjust. The trial by the ordeal of water left it almost impossible for the accused to survive ; and in the records of the Exchequer we find the property of hundreds of persons who "*died in the water*" seized by the Crown. This punishment was abolished in the reign of Henry III.

The fines for carrying on trades, for guilds, for importing and exporting articles, and for buying and selling, were innumerable, and destructive to industry and commerce. The tallages, amercements, and fines were paid in gold, silver, and palfreys, dogs for the chase, falcons, and other birds of prey.

Notwithstanding all those powers and practices, it was impossible for the Norman kings to extort very great revenues without utterly ruining industry and trade, and consequently impoverishing the whole kingdom. Therefore, admitting that the plunder of the confiscations made by the Conqueror rendered him and William Rufus wealthy, and enabled Henry I. to possess a fair revenue, we find that during the reign of Stephen the disorders of the kingdom kept him always poor; that Richard was, during nearly all his reign, absent, and always in

want of money ; and that King John was prevented by the barons and by the Church of Rome from accumulating any great treasure.

In consequence of the celibacy of the clergy, which they long resisted, their morals became, during the Norman period, remarkably dissolute. Instead of one wife, they usually kept one, and often two or more concubines. We may also observe that the general morality of the age was remarkably vicious, and the debaucheries of the Norman barons and their sons rendered them at all times odious to the English. Richard I., who despised the moral virtues, drew a graphic sketch of the manners of the ecclesiastics, when a curate of Neuilly, preacher to the Crusade, exhorted him to abandon his three notorious vices—pride, avarice, and voluptuousness, which he styled the king's mistresses. "You counsel wisely," replied the knight-errant monarch; "and I hereby transfer the first to the Templars, the second to the Benedictines, and the third to my prelates."

We have now briefly portrayed the enslaved condition to which the English nation was reduced during the Norman period ; from which state of degradation the people have, from generation to generation up to the present day, been, oftentimes slowly, at certain periods more effectually, advancing in knowledge, manufactures, trade, maritime enterprise, and civilisation, and in regenerating their social condition, and redeeming their civil, political, and religious liberties.

CHAPTER IV.

FIRST ENGLISH PERIOD, OF BRITISH HISTORY CONTINUED—DI-
GRESSION, SHOWING THAT A RUDE STATE, OF INDUSTRY, AND
AN INSIGNIFICANT OR DECAYED TRADE AND NAVIGATION,
HAVE ALWAYS BEEN CONCOMITANT WITH THE DEPRESSED
STATE OF NATIONS.

WE have in the last chapter endeavoured to sketch briefly the servile condition into which the civil liberties and social condition of the English nation had been degraded by the Norman domination at the beginning of the period when that power ceased, and when the first period of English history commenced. We will now endeavour succinctly to sketch the regeneration of English civil and political liberty, and the resumption of the language and the common law of the Anglo-Saxon; and to trace their ascendancy over the Norman-French tongue and the feudal laws, and also the successful struggles made against the attempts of the pope and the Church to establish the civil or Roman law in England.

All historical evidence proves that in every countries, and in all ages, a rude state of industry, and an insignificant or decayed trade and navigation, are always concomitant with the depressed condition of nations. With the exception of the industry and luxury con-

tained within, or connected with, the monasteries, such was the condition of England during the greater part of the Norman, and the early part of the succeeding period. Under the Saxon period, England had popular laws; freedom of speech and pleadings, in a national language; commercial ships, and a national fleet. All were nearly smothered or lost under the feudal Norman rule. Commerce and connubial rights were saleable by the king. Whatever trade existed, it was chiefly engrossed by foreigners, and by foreign ships; and as Christians were forbidden to lend money on interest, the Jews alone monopolised transactions in gold and silver. The citizens of London, Southampton, and a few other towns, however, in despite of King John's authority, and under their charters, began to acquire both municipal and commercial consequence. In all other respects, the condition of the people and of the kingdom was that of a state of ignorance, barbarism, and servile degradation.

The habitations of the people were wretched wooden or mud hovels. The houses in the towns were low, thatched, dirty buildings. Water was carried from a distance, food was coarse, and the cookery barbarous. Even the dwellings of the kings and nobles were rough and inconvenient structures, the furniture rude, and their retainers slept on hay or straw. The families of the sovereign and of the barons were occasionally dressed in silk; and the raised upper end of their great halls displayed hangings and some showy magnificence. They had beds of wool and dressed skins. Fish, the flesh of swine, sheep, and cattle, poultry, and occasionally venison,

with bread, made of flour or meal coarsely ground, butter, cheese, and honey, constituted the food of the nobility and gentry. Before winter, for want of fodder, or food, the horned cattle, sheep, and swine were, for the supply of several months, slaughtered and salted. For more than four centuries, salted meat and fish constituted the chief animal food in the mansions of the nobility. The drinks were beer, wines, and some other liquors. Distilled spirits, tobacco, tea, coffee, sugar, most vegetables, and the potato, were then and long after unknown. The labourers fared on less varieties of food; and the rural population, not free, lived chiefly on bread, milk, and swine's flesh. Manufactures were chiefly those of weapons, coarse woollens, linen, skin-dresses, and common smiths' and wrights' work. In Italy, in Belgium, and in Northern Germany, large towns, with stately edifices, and splendid houses, richly furnished, had arisen before the date of Magna Charta. All those towns were commercial. In Britain there was no edifices to be admired for beauty of architecture, unless it were those erected by the genius of the clergy; and we owe gratitude to the ecclesiastics of England for cultivating even a rude learning,—for the chronicles, though disfigured by superstition and errors, which they have written,—and for the knowledge which they preserved, until, in the sixteenth century, a new and great age began to shed its blessings on the people and over the kingdom of England.

If we now consider the condition of the British Empire at the end of a period of six hundred and thirty-five years, which we have to examine, since the day when, in 1215, the Magna Charta was forced

from King John, the following digression may, in reference to the advance of British civilisation and liberty, form an index to the regeneration of the English nation, in defiance of civil wars, and devastation,—of brave, haughty, and uncivilised barons,—of an exacting and arrogant yet erudite hierarchy,—of political and religious confiscations,—of expensive and exhausting foreign wars,—and of unparalleled and unequally levied taxation. The rise and progress of England, and the prosperity and power of the British Empire, cannot be ascribed to any causes, under Providence and those of natural advantages, than to industry and commerce, to our common or traditional law,—to civil and political liberty secured by statute law, and to the genius and spirit of the Anglo-Saxon race.

In this view of the progress, freedom, and power of Great Britain, we may adopt, as an infallible TRUTH, THAT THE HISTORY OF COMMERCE AND NAVIGATION IS THE HISTORY OF CIVILISATION. That is to say, the origin and progress of catching animals alive, or killing them, and collecting or growing food, and other raw materials, and manufacturing the latter into commodities, and interchanging one or more articles for another, has rendered the intercourse between human beings a first and continuous necessity; and produced that invention, and spirit of adventure, which originated navigation, and established the maritime intercourse between places and nations.

The primitive riches of man consists in his power to labour, and to direct that labour to the transformation of materials, which have always existed, and to which he cannot add a single atom. But the labour

and genius of man, aided by the power or agency of the soil and climate, transforms into different shapes, sizes, qualities, and uses, the various materials always existing in the substance of the globe. One climate yields, and one person, people, or place produce, articles which are wanted by other persons or nations. Hence the interchange of the natural, cultivated, or fabricated articles, with the consequent intercourse of men and of nations, and the intercommunication of their knowledge, arts, ideas, polity, and laws, have constructed the whole fabric of human society.

Nor does any animal but man exchange commodities. Each provides for its own wants, excepting in those cases where the one steals or robs that which another provides. Man in this case imitates the inferior animals, and the strongest, or most crafty, man robs or cheats the weaker; and sometimes eats his brother man; so do the fiercer quadrupeds, birds, and fishes devour the tamer or less ferocious.

Apart from the production and interchange of commodities, and the commercial and maritime intercourse of individuals and nations, we must not overlook the physical and moral causes which have accelerated, influenced, or retarded the civilisation of the human race. Among the physical causes, we must reckon the climate, soil, minerals, and other natural productions—the geographical situation and configuration of a country.

Great Britain, as we will have occasion to advert to hereafter, possessed and possesses, in a high degree, those physical advantages. Of the moral causes, and their evil or good influences on society

and civilisation, regard must be had, in judging of moral and political evils, to the delusions, errors, superstitions, injustice, and cruelties in faith, manners, and power, into which a people or nations are led, or forced, to adopt or practise, by the ascendancy and dictation of extraordinary and strong-willed men, who have been either real impostors, or self-deceived enthusiasts: the latter including those who have imagined themselves gifted with a divine mission, or with superior wisdom. With respect to the public virtues and their moral influence, we must not lose sight of the truths of a mild and charitable religion, and of a rational and intelligible philosophy, both which have generated individual virtue, public order, and political justice. To these moral causes we must add the superior genius of great discoverers in arts, sciences, and learning. All the foregoing good and evil causes and influences are prominent in British history.

As bearing upon the assertion, that without commerce and navigation mankind would not have greatly advanced in its civilised progress, there is much, if not incontrovertible, truth in the *dictum* of HELVETIUS when he asserted, "That if the hands of a man were formed like the hoofs of a horse, he would never have attained more intelligence than that animal."* The assertion appears startling; but had Providence been less bountiful to man;—if man had hoofs instead of hands, he must have existed in a naked state,—he would have no place of shelter but caverns or forests,—and he must have subsisted upon vegetables and other raw substances. It is scarcely possible that he could have caught either fish, fowls,

* De l'Esprit, vol. i., p. 2; edition, 1776.

or quadrupeds. He would possibly have devoured reptiles and insects, as well as roots and fruits. Arts, sciences, learning, the real avenues of civilisation, he never could have attained. There would have been no towns, roads, houses, agriculture, manufactures, machinery, carriages, or ships.

It is, therefore, to the adaptation of the hand of man, by his Creator, to labour and manipulation, directed by the intellectual gifts of perception,—of acquiring knowledge, of judgment and of reason, that we owe our inventions, our agriculture, our arts, our manufactures, our navigation, our means of intercourse, and our commerce. The superior intellect, the powers of reason and speech, with which the Almighty has blessed man, would have been of the most imperfect use if his hands were not so admirably formed, as to constitute the original mechanism, which has enabled him to make all other instruments, by the aid of which he has accomplished all that has been fabricated by mankind in the world. Hence labour, industriously and skilfully applied, constitutes the source of the wealth, enjoyments, and intelligence of individuals and of nations.

The progress of civilisation, traced from man in his rude state, accompanies the march of the intelligence, which is acquired, first, by fabricating necessary, and afterwards convenient, or luxurious things: second, by the intercourse of mankind, caused by mutual wants, motives, and gratifications. Hence arise the wealth, government,* power, and civilisation of communities.

* Hume judiciously remarks, in his "Essay on Refinement in the Arts," "Can we expect that a government will be well modelled by a

The natural inclination of all mankind, in a rude state, is indolence, and an absence of forecast in providing for the future. In this respect the bee, the squirrel, and the beaver, are more industrious and provident. But, undoubtedly, there are races more bountifully gifted by nature with mental power and practical conceptions than other races.* Among these races of higher intellectual standard, individuals have arisen and continue to arise with powers of mind, so far superior to those of the communities amidst which they have been born, that their perceptions have discovered means, some less or more efficient, for ameliorating the rude state of uninstructed man. By the exercise of their accurate judgment, force of character, and practical wisdom, we find that those more highly-gifted minds have directed some races, more rapidly than others, into that progress which has formed their advance, by degrees,—from the savage or rude state, in which man has first subsisted on the produce of hunting, fishing, and of wild herbs, roots, and fruits,—to the pastoral and agricultural state; and thence, always accompanied more or less by both the latter, into the invention or discovery of the more simple arts, manufactures, and sciences—to the pursuits of trade and navigation—to learning, intelligence, and to the higher arts and sciences.

Self-discipline, and virtue, must necessarily accompany and direct this progress: the result of

people who know not how to make a spinning-wheel, or to employ a loom to advantage?"

* We have made this observation with reference to races in a natural state, independently of education and civilised society. Yet, even in the latter condition, the difference of races continues to be remarkable.

which is civilisation, originated by human wants producing or collecting the elements of commercial intercourse: that is to say, commodities, either rude or highly manufactured, produced by ingenuity, art, and taste, and called into existence by the demands of necessity, convenience, or luxury. This exchange of commodities has from its most primitive origin been always accompanied by the exchange of ideas. These interchanges became, and they must ever continue to become, more extended, with the spread of enterprise, and the buying and selling of the commodities produced, or made, by the people of one country to the people, or in the markets, of other countries.

Trade requires pacific relations. Peaceable and frequent intercourse engenders mutual civility, which gradually impresses society with the practice, and the power, as well as the desire, of exercising good manners. These generate politeness, which, with knowledge, truth, and justice, constitute social civilisation.

Refinement in manners is not attained by the mere pursuit of wealth. It is the wealth obtained by industry and commerce, which supplies the means of establishing schools of education, and maintaining the administrations of government and religious institutions. The benefits of useful knowledge,—the higher sciences,—the accomplishments of learning,—the fascinations of society,—and the elegance of easy and graceful manner,—and the charms of conversation and epistolary writing, are never attained by nations until they have first acquired wealth, and until a great proportion of the inhabitants have become pos-

essed of at least moderate riches.* It is wealth acquired by industry and commerce which enables men to construct and dwell in commodious, elegantly furnished, and tastefully ornamented houses,—to pay for articles of convenience or luxury,—to bear the expenses of education, and to purchase the works of learning, science, and art.

Luxury and voluptuousness, arising from the accumulation of wealth,—and, as under the Medici, the exercise of despotism, and the absence of civil liberty and religious freedom, have no doubt pervaded, and in most cases have prevailed during periods of high civilisation. *There is, however, no greater fallacy than to confound civilisation, under all governments, with civil liberty.* The age of Philip and Alexander; of Cæsar and Augustus; of the Medici and the Borghesi; and of Richelieu, Mazarin, and Louis XIV., were brilliant epochs of civilisation, of arts, of learning and science; but neither civil liberty, nor religious freedom, existed during those periods in Greece, Rome, Italy, or France. Yet they were the ages—the first of Demosthenes, Plato, Aristotle, Xenophon, Themistocles, Timon, Aristides, Herodotus, Thucydides, Epicurus, Socrates, Euripides, Zeno the Stoic, Hippocrates, Pericles, Euclid, Apelles, Phidias, Zeuxes, and Praxiteles.* The second, that of Salust, Cicero, Horace, Virgil, Ovid, Livy, Lucretius, Catullus, and Vetruvius. The third, that of Petrarch,

* The birth of some of these great men was prior to the reign of Philip, and others died long after the death of Alexander. This age, properly speaking, may be said to commence about the year of the birth of Socrates, 471 B.C.; and to end about 302 B.C.; or, when the empire of Alexander was divided, after the battle of Ipsus, by Ptolomy, Cassander, Lysimachus, and Seleucus.

Ariosto, Tasso, and Shakspeare; of Machiavelli, Copernicus, Tycho Brahé; of Palladio, Michael Angelo, and Raphael,—and of the learned men who fled from the Turks to Italy on the conquest of Constantinople. It was also the age of Savonarola, Luther, and Melancthon. The fourth, was the age of Milton, Dryden, and Pope; of Bacon, Hobbes, Locke, Grotius, Erasmus, Montesquieu, Galileo, Wallis, Halley, Flamstead, Picart, Huygens, Kepler, Newton, and Barrow; of Roubillac, Wren, Jones, and Mansard; of Burnet, Descartes, Bayle, Leibnitz; of Algernon Sidney, Bolingbroke, Addison, Steele, and Temple,—of Rabelais, Racine, Molière; of Boileau and Corneille; of Poussin, Le Seur, Le Brun, Lely, Hogarth, and Claude; of Bossuet, Burnet, Fénelon, Massillon, and Tillotson; and of numerous other good, virtuous, and great men.

Among the rude inhabitants,—the swineherds and hunters, of the German forests, there was almost perfect civil liberty,—in the absence of arts and sciences, and nearly of trade, or manufactures, or any of the elements, which are considered as forming the great framework of civilisation. The civil liberty of the Germans was, however, sullied by cruel practices, and obscured by the rudeness of social manners and superstitious customs. There was, consequently, no security for the durability of civil liberty in Germany. The feudal system was by force of arms established, and civil liberty nearly disappeared not only in that empire, but generally in Europe.

Among the Hurons, Iroquois, and other barbarous nations of hunters in North America, there appeared, within each nation, perfect civil liberty. But their

passions were ferocious,—to their enemies they were treacherous; and, when victorious, their cruelties to the vanquished exceeded those of all other barbarians. Each tribe or nation was influenced by its traditional hatreds. There was none great. A kind of union gave the tribes,* called the Six Nations, a warlike superiority; otherwise they had no cohesion, and they gradually melted away before the presence of Europeans.

In luxurious and more civilised Mexico the emperor was absolute, and not to be questioned in his rule; the priests were terrible in their religious domination, and in their sacrifices of human victims. The physical qualities of the Mexicans were feeble; their morals wanted energy. They, too, yielded to, or fell before, the far less numerous, but morally and physically more vigorous Europeans.

That social and political state of communities, in which the greatest happiness may be attained, to which human nature is adapted, can only exist when the people are so well educated, in moral and political science, and of such wise judgment, as to appreciate so thoroughly, the blessings of civil liberty and religious freedom, that they, at the same time, make, or consent to, the regulations which restrain one man from perverting that liberty, to the injury of the property, or person, of another man;—that is freedom without anarchy: constituting *society*, or a *people*, whose affairs shall be administered by a wise, equal, just, mild, yet energetic government.

Under such government, civilisation, in its highest

* These were the Mohawks, Oneidas, Onondagas, Cayugas, Senacas, and Tuscaroras.

degree, and true civil liberty, and religious freedom, would be thoroughly compatible. But such intelligence and such government have never yet existed.

The art of printing, the steam press, the progress of education, the wonderful power of scientific invention, celerity and freedom of intercourse, and of the interchange of commodities between the nations of the earth, have been, during a late period of the world's history, rendered irresistible, by skilful navigation and the certainty of traversing oceans, in a given time, against the obstruction of storms and currents, or on iron roads over land, by the power and precision of the steam-engine. All these benefits and powers will, no doubt, rapidly advance nations towards that state of civilisation and intelligence, and that civil and religious liberty, which can exist practically and happily together. Marvellous as the progress of discovery and invention has been during the last six centuries, we do not, however, consider that Europe has as yet advanced higher than a point above semi-barbarity. We must readily admit this deplorable assertion, if we take a view of the several states of Europe, with their inhabitants and their superstitions, ignorance, prejudices, and barbarities.

As it is evident that there are races which do not move onward in the progress of civilisation, as rapidly or as securely as other nations do; and that some nations have made great advances in civilisation, it is also true that others have either remained stationary, or have deteriorated. The Chinese appear to be exactly in the same state of civilisation as, and probably less moral than, when Marco

Polo and the Jesuits, whose accounts are given us by Duhalde, travelled among them. The French are more brilliant in manners, language, and deeds, than other European nations : they are also for good or for evil a nation eminently practical. There is no modern history in which there appears a greater number of distinguished statesmen, lawgivers, philosophers, historians, poets, divines, naturalists, mathematicians, astronomers, engineers, chemists, and warriors, than in the annals of France. In learning, the arts, and sciences, the people of that kingdom have long been, and are, highly and justly distinguished. Many great men belong to Germany, as philosophers, historians, poets, critics, astronomers, and discoverers. There is probably more of real erudition in Germany than in any other country. The Germans are slower, but more solid, more Gothic, more plodding and industrious, yet more imaginative and musical,—and far less practical than the French in their speech and acts,—more bewildered in the mists of the Philosophy of Idealism. In Europe and America, the character of the Anglo-Saxon race combines the greatest spirit of adventure with steady application to productive industry, and to maritime and commercial pursuits.

Let us, therefore, trace briefly the progress of this people, from the degradation and entanglements of the feudal system and Norman domination, through all their struggles for attaining political liberty and religious freedom, until the British people have reached their present state of civilisation and power among the nations of the world. •

It is evident, from all the proofs, we can find in the

acts of the *Exchequer*,* and other records, as well as in the monastic chronicles, that industry and the arts in England were in a remarkably barbarous condition, and that the trade and navigation of the kingdom were insignificant during the whole Norman period. Some rude fabrics, and the trade and shipping of England, occasionally prospered, and at other times languished, after the time that King John was driven from France, and until the union of the two houses of York and Lancaster under Henry VII. The trade of London and some other ports gradually acquired extension, first to the Low Countries, then to the marts of Northern Europe. During this first period of English history, commerce and navigation,—the arts, sciences, and navigation flourished in Italy, in Flanders, and the Hans Towns. It will also be found that, as liberty disappeared in the Italian republics, and in Flanders, their manufactures and commerce languished and decayed; while in England, with the regeneration of freedom under the Tudors,† and after the termination of the civil wars, arts and manufactures arose, and intelligence and civilisation dawned, lighted up, and gradually overspread the kingdom.

The Norman kings assumed a fee-farm right to

* The term *exchequer* is literally absurd and unmeaning as a fiscal term. Its etymology is rather obscure. The *exchequer* (*scaccarium*) owes its name to the fact of a chequered cloth, figured like a chess-board (*scaccus* or *scaccum*), was anciently used as a cover for the table in the Exchequer Court.—Madox. Polydore Virgil, however, says it (the Exchequer) was corruptly called *Scaccarium*, but ought to be called *Statarium*, from its stability, and as it was the firm support of the crown and kingdom; nothing being of greater force to establish a kingdom than a revenue.—POL. VIRG., *Hist.*, l. 9, p. 154.

† It was under the Tudors that the people acquired the freedom necessary for manufactures, trade, and navigation. I do not mean civil and political liberty.

all the towns. Those which were possessed by the barons and the Church were also considered as amenable to the king. The restrictions under which all trades and manufactures were held rendered it impossible for them to flourish; and we find the towns, as well as trades and gilds, or guilds, perpetually harassed by fines and tallages.

All regulations, privileges, and taxes bearing on trades, shipping, imports and exports, were considered and received as the king's prerogatives. His will was not only absolute, but the punishment of offenders against his commands summary, and often capital. Richard I., after returning from his captivity in Austria, promulgated, at the Isle of Oleron, a code of marine laws, which were soon after disregarded, though erroneously stated by some writers as the foundation of the navigation laws and of the maritime power of England.* The same king, having prohibited the exportation of corn from England in 1197, found several vessels laden with English grain at Fecamp, in Normandy; he summarily hanged all the masters and the crews, and sent the corn back to England.

The imposts on the trade of the River Thames and other seaports were, and continued to be, farmed by the king for annual payments to extortioners, who levied *prisage*, *dismes*, *quinzaincs*, and other exactions. De Witt writes of England, that, as late as the reign of Henry III., "the people were

* These laws, comprising forty-seven chapters, are printed in Goudolphin's "View of the Admiralty Jurisdiction," 1685. The sea laws of Wisby, in Gothland, *Wisbyska-Watter-Recht*, promulgated in the thirteenth century, were adopted by the whole *Hansa*, or Hanseatic League, and are highly extolled by Grotius. •

chiefly shepherds, and the merchants only exporters of wools and woollfells." The imports appear to have been chiefly wines, spices, and *woad* for dyeing. Some luxuries were imported, such as silk for robes worn by the king and queen, and by the greater barons and their wives on festive occasions.

Henry I. attempted to lay the foundations of learning and science at Cambridge, and he partially succeeded. He built a palace at Woodstock, where he formed a park, the first in England. In his reign St. Peter's House, Cambridge, was founded. The Pope's legate and the scholars at Oxford having quarrelled, and the townspeople having ill-treated the scholars, the latter were removed to Cambridge. Baliol College was founded at Oxford as early as 1267, by Baliol, father of the King of Scots; and the following colleges and halls were afterwards founded:—Merton College, Oxford, in the reign of Edward I.; Exeter and Oriel Colleges, Oxford, and Trinity College, Dublin, in the reign of Edward II.; Queen's College, Oxford, and Clare, Pembroke, King's, and Trinity Halls, and Corpus Christi and Caius Colleges, Cambridge, in the reign of Edward III.; New College and Winchester College, by William of Wycombe, in the reign of Richard II.; Lincoln and All Souls' College, Oxford, and King's and Queen's Colleges and St. Catherine's Hall, Cambridge, the college at Eton and Magdalen College, Oxford, in the reign of Henry VI.; Jesus College, Oxford, and Christ College, Cambridge, in the reign of Henry VII. In these schools the civil and canon law, the theology of the school-

men,* and the Aristotelian philosophy, were taught. They excluded the common law, which caused the institutions of the *hostels*, or inns of court, and chancery in London.

It was not until the fourteenth century that the amalgamation of the Normans and Saxons as one social and national people was completed; nor was it until the sixteenth that we can speak with much admiration of the schools or the learning of England.

It is true that the Latin and Greek historians, philosophers, and poets were read and generally well known to the ecclesiastics of England, from the time of Edward the Confessor down to the fifteenth century, and that the study of the law became a learned and laborious profession. Friar Bacon and Wickliffe, and some others, were great intellects in their generation; and Chaucer was a robust genius and remarkable poet, and his vigorous and graphic verse, although they contain numerous old French words and expressions, created a powerful reaction in favour of the Anglo-Saxon speech in the end of the fourteenth and beginning of the fifteenth century. English verses began then to be generally repeated or listened to by all classes; and printing was introduced, and a few quaintly written books in English were printed by Caxton, between 1471, and the end of the fifteenth century; but there is scarcely a book in the English language, printed before the seventeenth century, the style of which is not vulgar, and the learning of which is not tarnished by superstitions and errors that have been since then exploded as evident fallacies.

* "The schoolmen," says Lord Bacon, "did, out of no great quantity of matter, spin those laborious webs of learning, which are extant in their books; admirable, indeed, for the fineness of the thread, but of no substance nor profit."

CHAPTER V.

FIRST PERIOD OF ENGLISH HISTORY RESUMED—THE EARLY
PROGRESS OF CIVIL AND POLITICAL REGENERATION.

THE degradation of the English nation in the lowest condition of its smothered political and civil liberties extended, with occasional breathings, throughout the whole period of Norman domination. But the Normans, though they did not keep faith with the English, were convinced that there was a point below which they could not sink the nation. The third of the Norman kings, being himself an usurper who incarcerated* his brother the legitimate heir, was convinced that his tenure of sovereign power would soon vanish unless he became reconciled to the Anglo-Saxon priesthood, as well as to the English people, by a policy of conciliation and grace.

When he seized on the crown, as well as on his father's treasure at Winchester, he began by conciliating Ansêlm, a great Anglo-Saxon dignitary of the Church. The young king was unmarried, and, according to the Norman ideas of honourable marriages, to wed an Englishwoman constituted a *messalliance* far less honourable than *concubinage*.

* We have elsewhere said, "blinded him;" but there is some doubt as to whether Henry was guilty of that additional crime.

Henry I., however, judged more wisely. Heirs of Edgar Atheling were still living, and the great majority of the people cherished no loyalty—no love for any kindred, except for those who were of their own race, and who spoke the language of their daily intercourse, and of their common law and national traditions.

Within the walls of the convent of Rumsey there lived a beautiful young Saxon princess, the daughter of a king, and niece of Edgar Atheling. To that sanctuary she had retired to preserve her chastity from the Norman barons, and the *Front de Bœufs*, or Templars of that age. A council of prelates, assembled by Anselm, decided that, as she had not taken the vows of chastity, it was lawful for her to marry without incurring sin or blemish. Matilda accordingly became the queen of Henry I.; and this act of the king, with his promises to restore the Saxon laws, and the charter which he granted, revived the spirits of the English nation,—secured him on the throne, enabled him to crush the authority of his elder brother, and to seize on the territory and dukedom of Normandy. Having established his power, and settled his differences with the Church, he continued during all his reign a traitor to the nation, disregarded his promises, extorted money from the people by inexorable rapacity, and never fulfilled the obligations of his charter. Like most of the Normans, he left numerous bastards by several mistresses. He atoned for his sins by founding two bishoprics, three abbeys, and one priory. The Church was therefore satisfied that his soul should repose in peace.

The next king, also an usurper, made concessions

to the barons and Church dignitaries. He swore to maintain the Church in all her privileges; and he granted a charter at a general assembly held at Oxford, acknowledging "that he was *elected king* by the assent of the clergy and people," and confirming all the liberties, immunities, and privileges of the Church; binding himself not to meddle in any manner with the temporalities of vacant bishoprics, or with estates belonging to ecclesiastics. He also promised to abolish all the game laws, laws enacted since the Conquest, and also the forest laws; and, finally, to gain the affections of all the English, to revive the Saxon laws. Never were the Church and the nation more effectually cajoled. "But," says William of Malmesbury, "just as the English had elected Stephen purely for their own interest, so this prince granted all they required rather to amuse them than to bind himself with fetters of parchment." Not long afterwards the king broke his charter and his oath, by seizing, on the death of the archbishop, his effects, and the see and revenues of Canterbury,—and he made several, but unsuccessful attempts to humble the clergy, whose pride, avarice, and ostentation had acquired an extraordinary ascendancy. The civil wars, and the turbulence of this reign, involved the nation in disasters, amid which their rights were disregarded; and it was during this period that the Court of Rome inflicted on England the canon law, as codified by Gratian in 1151, which law was introduced at Oxford, where an Italian, Vacarius, became its first professor. We shall hereafter notice some of its unchristian tendencies, and its pernicious operations.

Henry II., whose reign of thirty-seven years is remarkable in English history, moderated in practice some of the feudal oppressions, and instituted a less expensive and more official administration of justice; but he held the charter of Henry I. utterly in abeyance, and during the reign of Richard I. the nation continued to be oppressed by his regent—his brother John, and the turbulent barons.

From the latter infamous king the Magna Charta and the Charter of the Forest were extorted in 1215. He died the following year, and his son, Henry III., was crowned by the authority of the Earl of Pembroke—a powerful, just, and able man; who, if he had lived until the king had attained his legal majority of twenty-one years, would have probably enforced measures that would have prevented most of the evils of a long and disastrous reign. Pembroke defeated and drove out of the kingdom the French forces which had invaded England, and which had obtained, with the aid of several confederated barons, possession of Lincoln, London, and several other towns and fortresses. He commanded the charters of John to be enforced throughout the kingdom, and he sent itinerant justices to each county to cause those laws to be strictly observed. Pembroke died in 1219; and the young king falling under the hands of Peter des Roches, Bishop of Winchester, a Poictevin, as regent, and of Robert de Burg, as high justiciary, the latter chiefly counselled the king. But neither having the power or abilities of Pembroke, this weak young prince was led into those errors, vices, and crimes which proved calamitous to the nation, and the cause of the misfortunes which so frequently harassed the king.

During the reign of Henry III., the popes by their legates proposed and often obtained the most audacious exactions from the ecclesiastics of England. London and other towns, and various parts of the country, were often disturbed by commotions and feuds. The barons compelled Henry frequently to swear that he would observe the charters granted by his father; and he, in 1236, assented to divers statutes, enacted at Merton.* This false, avaricious, profuse, and vacillating king violated his most solemn oaths; and by siding at all times with the Pope's legate, by granting him favours, and the highest offices in the state to foreigners, and by allowing the Pope to nominate to the vacant preferments, even to giving away in one year no less than 300 livings to as many Italian priests, and by giving 700 benefices to his own chaplain, he was detested by the barons, clergy, and citizens of England. He often roused the anger of the barons, and they at length formed an armed confederation against him. They forced him, at a parliament held at Oxford, to sign and swear to the articles called the Statutes of Oxford. These were drawn up by twenty-four conservators, and were in substance as follows:

I. That the king should confirm the Great Charter which he had sworn so many times to observe without any effect.

II. That the office of chief justiciary should be given to a person of fit capacity and integrity, that would do justice as well to the poor as to the rich, without distinction.

* Mathew Paris says the provisions of Merton (a monastery in Surrey) are divided into eleven articles, and are the most ancient body of laws after *Magna Charta*.

III. That the chancellors, treasurers, justices, and other officers and public ministers should be chosen by the Four-and-Twenty Conservators.

IV. That the custody of the king's castles and of all strongholds should be left to the care of the Conservators, who should intrust them with such as were well affected to the state.

V. That it should be death for any person, of what degree or order soever, to oppose directly or indirectly what should be enacted by the Conservators.

VI. That the Parliament should meet at least once every year, to make such statutes as should be judged necessary for the welfare of the kingdom.*

The Crown-Prince, afterwards the famous Edward I., also swore to maintain the *charters* as well as those articles; and when his father unscrupulously disregarded his oaths,† he was reproached by his son for not keeping his word. The barons at last

* The "Annals of Burton," in which the statutes are inserted in due form, state, "*The Four-and-Twenty* ordained that there should be *three parliaments* in the year; the *first*, eight days after Michaelmas; the *second*, the morrow after Candlemas-day; and the *third* on the 1st of June."—P. 413.

† When Henry, in the Great Hall at Westminster, assembled the lords spiritual and temporal, in order solemnly to swear to observe the charters, all but the king held a light in their hands, while the king placed his hands over his heart the more formally to swear. The Archbishop of Canterbury pronounced the terrible curse of the anathema against all who would, for the time to come, oppose, directly or indirectly, the observance of the two charters, and then against all those who should violate, diminish, or alter the laws and constitution of the kingdom. The charters were then read aloud, the king, all the time with his hand over his heart, said aloud, "So may God help me as I inviolably observe all these things!" This being done, each prelate and baron then threw the lights they had on the ground, and exclaimed, "May all those who violate these charters thus smoke in hell!"—M. PARIS. RAPIN. •

withdrew their allegiance from Henry, and entered into a war against the king, whom they defeated and captured at the battle of Lewes, in which his son Edward, who fought bravely, was also taken prisoner. After this battle of Lewes, in 1264, the barons compelled the king to sign commissions, appointing magistrates, styled conservators, in each county, "to preserve entire the rights and liberties of the people, and to nominate four knights of each county to sit in the ensuing parliament as representatives of their respective shires."

The parliament, which met in consequence, is by many considered the first representative assemblage, or that which may be considered the foundation of the present third estate, *fallaciously* styled "the House of Commons;" but that parliament was, in fact, *an oligarchy*, inasmuch as those knights of shires were not *elected by the people, but selected by the conservators, who were scarcely more than nominees of the barons*. The power of those barons themselves was on the following year crushed, for some time, by the victory gained over them by Prince Edward, at Evesham, in which battle their chief leader, the powerful Earl of Leicester, of a French family, but an English baron, was slain.

The long reign of fifty-six years of Henry III., which was remarkably calamitous both to the people and to the king,—in which civil wars, fruitless enterprises against France, predatory descents from Scotland and Wales over the neighbouring counties of England, turbulence in Ireland, obstructions to trade, an incessant drain on the labour and property of the kingdom by the Pope, by

the king, and by a multitude of foreign favourites, civil and ecclesiastical, and the frequent acknowledgment and the general disregard by the king of the liberties of Englishmen, are the most conspicuous events. This reign constitutes, however, a period of English history important in the annals of our constitution.

Strictly speaking, the charters of King John do not stand among our statute laws. Those of Henry III. do, with some important omissions. The first chapter of Henry's charter leaves out all but the words—"That the Church of England shall be free, and shall have her whole rights and liberties inviolable."* But "free elections by the clergy, without a *congé d'élire* from the Pope," and "not leaving the kingdom without the king's leave," were not confirmed. It is still more remarkable that the words in Chap. XIV., "I will impose no scutage or aid in our kingdom, unless by the common-council of our kingdom, except to redeem our person, and to make our eldest son a knight, and once to marry our eldest daughter, and for this there shall only be paid a reasonable aid," are omitted. This omission we would now consider as paralysing the entire power of the House of Commons; yet it would not appear to have been considered of any consequence

* This chapter, in John's charter, is as follows:—

"CHAP. I.—*Imprimis*. We have granted to God, and by this our present charter, have confirmed for us, and our heirs for ever, that *the Church of England shall be free*, and shall have all her whole rights and liberties inviolable and we will have them so to be observed, which appears from hence, that the *freedom of elections*, which was reckoned most necessary for the *Church of England*, of our own will and pleasure we have granted and confirmed by our charter, and obtained the confirmation of from Pope Innocent III., before the discord between us and the barons; *which charter we shall observe, and do will it to be faithfully observed by our heirs for ever.*"

by the barons during the reign of the vacillating Henry; while with respect to all their own privileges, they constantly both complained, and often fought against the king for a breach of the charters. Henry, however, never attempted to levy *aids* or *subsidies* without convening his parliament. He frequently extorted loans, which he was never punctual in refunding; and he grasped all casual revenues and confiscations, however iniquitous, of the same kind as those which were seized by his predecessors.

In alluding to the privileges claimed by the barons from Henry III., Rapin judiciously remarks: "The barons considered themselves still more aggrieved than the people, *as the most considerable posts, to which they looked upon themselves alone to have a right*, were enjoyed by foreigners. This, usually, is the motive which stirs up GREAT MEN. This is what makes them such *mighty sticklers* for the *good of the public*. If their own private interest was not joined to that of the kingdom, in vain would it be expected that the nobles would expose their lives and fortunes in defence of the liberties of an injured people." These remarks unfortunately apply to the most powerful in all countries and ages.

Under the Norman kings, there could not have been a more arbitrary power assumed and exercised by the sovereign than the concentration of the judicial and executive functions in the king. This power rendered him absolute and irresponsible. The barons, therefore, in order to separate this double power, insisted on King John conceding a chapter in the Magna Charta, declaring "that no

freeman [*nullus liber homo*] should be taken and imprisoned, or be disseised of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed, but by lawful judgment of his peers [*parium*, or equals], or by law of the land; and that justice should not be sold." The charter of John also provided, "that with regard to levying taxes, he would cause to be summoned the archbishops, bishops, abbots, earls, and greater barons, personally, by his letters; and, besides, would cause to be summoned, in general, by his sheriffs and bailiffs, all those who held of him in chief."

In the reign of Edward I. the burgesses and tenants in ancient demesne consulted together,* apart from the greater barons and knights of the shires; and they contended that, the levying of aids and scutages, should not be lawful without their consent as well as that of the barons and knights. The statute of 25 Edward I., c. 6, ordained "that *no manner of aids, tasks, nor prizes*, should be taken but by the *common consent of the realm*, and for the common benefit thereof; saving the ancient aids then due and accustomed;"† and the statute *de tallagio, non concedendo*, 34 Edward I., statute 4, c. 1, sets forth "that no tallage or aid should be taken or levied without the good-will and assent of the archbishop, bishops, earls, barons, knights, burgesses, and other *freemen* of the land." Magna Charta, therefore, as will hereafter appear, and the above-quoted

* It appears from the record transcribed by Brady, that the citizens, burgesses, and tenants in ancient demesne, consulted together, and apart from the prelates, earls, barons, and knights of the shires, in the 34th of Edward I.

† These were the ordinary aids long accustomed, viz., the three for making the king's eldest son a knight, marrying his eldest daughter, and redeeming his person from captivity.

statutes of the 25th and 34th Edward I. may be considered the foundation of the civil and political liberties of England.

But then it must be remembered, that when those charters and laws were conceded and passed, the people had no representation; and that they were merely contracts between the executive power on the one part, and the aristocracy and ecclesiastics on the other. The whole period of English history, first, from the accession of Edward I. to the settlement of the Crown under Henry VII., and during the reigns of the Tudors and Stuarts, is distinguished by struggles for power on the part of the sovereigns, of the ecclesiastics, and of the aristocracy. The constitutional principles of taxation laid down by the 25th and 34th Edward I., but, ever since, constantly trespassed upon by the kings and their ministers, have constituted the sole power by which the people have retrieved a great portion of their liberties, but by no means all their national rights. Yet, although those who contribute to the taxes, from their property or from the fruits of their labour—the original producer of all wealth, have been, down to the present time, incompletely represented in that assembly, where all taxes must constitutionally originate, the force of public opinion without the walls of that house has become too powerful for a denial of justice to prevail much longer.

The statements made in the following pages will exhibit the reluctance with which any justice, any religious freedom, and any civil and political liberty, have been yielded to the people by those who have, from generation to generation, acquired power either by force, accident, or fraud.

CHAPTER VI.

THE POLITICAL ADMINISTRATION AND CONDITION OF ENGLAND
UNDER EDWARD I. AND THE PLANTAGENETS UNTIL THE WARS
OF THE ROSES.

THOUGH knights of the shire and a few burgesses were summoned to the great council or parliament as early as the reign of Henry III., it is not true that the *commons* of either towns or shires were represented until about the 23rd of Edward I., from which year they, as well as the barons, continued to be summoned to parliament. This prince, styled the English Justinian, after his father's death returned through France from the Holy Land to England. On his way home he did homage to Philippe *le Bel* for Guienne, which he held, not as a sovereign, but as a vassal of the King of France. He was afterwards cajoled out of that province by the most perfidious treachery on the part of Philippe, grounded on restitutions claimed by the latter for the losses of lives and vessels, in acts of private rapacity, committed on each other by the masters of Norman and English trading vessels. For at that period the vessels of private adventurers were generally pirates as well as traders.

Edward subdued Wales, not without committing

acts of cruel barbarity; and he added that principality, fortunately for its people afterwards, in perpetuity to the crown and government of England.

He conquered Scotland, all but the Highlands and Western Islands, four times; but his forces and power were finally driven out of that kingdom; and he died, at the age of sixty-eight, on his last and unsuccessful expedition to recover his authority, and, according to his threat, "to exterminate the Scots from sea to sea."

It is natural for nations to cherish with pride and affection the traditions and the deeds of their country; and we cannot expel from our indignation the base and cruel, though political, barbarity of Edward to Wallace, and to the Scots as a people; nor can we forgive his Gothic destruction of all the Scottish records, which he might have saved by removing them to England if their existence in Scotland would have been fatal to his authority. Neither can we withdraw our great admiration of the brave Bruce; nor forget that there was at that period, connected with the cathedrals of Glasgow, St. Andrew's, and Aberdeen, and with *Mailross*, Holyrood, and other abbeys, much of the erudition of the age; and that *Iona* was then, and long after, "the luminary of the Caledonian regions, from whence savage clans and roving barbarians might have derived the benefits of knowledge and the blessings of religion," and which also provided teachers for foreign universities. It is also true that the government of Scotland was, from an early period, a limited monarchy: the power of which was constitutionally lodged in the parliament or great council, consisting of the king, the

ecclesiastics, and the barons. Robert Bruce, in 1326, admitted burgesses; and in 1427 the lesser barons, or small landholders, were allowed to send representatives (which they, however, neglected) to the Scottish parliament. When we, however, review the turbulent and disastrous history of Scotland down to the union of the two crowns in the reign of Queen Anne; and when we impartially estimate the subsequent advance of civilisation, industry, and trade in that part of Britain, we may lament, however uncongenial this sentiment may be to the national pride of Scotchmen, that the crowns of England and Scotland were not firmly and tranquilly united under so wise a legislator and so powerful a sovereign as Edward I. of England.

Ireland, though nominally conquered by the English, continued in a disturbed state. The misrule of the English lords who were sent to that kingdom, and who enriched themselves by corruption and fraud, caused a general hatred on the part of the Irish against the English; and, although during the reign of Edward I., the Irish stood in awe of that prince, yet in the following reign the brother of Robert Bruce, who was invited over, would have become master of the whole island if a powerful English army, under Mortimer, had not defeated, in a great battle, the Irish and the Scotch. The former were at that time unsuccessful in their attempt to redeem their independence, by the proverbial misfortune of that nation, the distrusts or dislikes which have always prevailed among themselves, and their consequent feebleness, from instability and incoherence, in their plans and combinations.

It is not within the object of this essay to notice, historically, the conquest of Wales, nor Edward's wars against Scotland and France; but we have adverted to those events, and the expenditure which they occasioned, as they will be found to have caused, during this remarkable reign, the necessities which obtained from the most able and energetic of their kings, those concessions, laws, and guarantees, by which the popular government, liberties, and political institutions of Englishmen have been secured.

Edward had won the admiration of the English by his bravery and energy before his father's death, and by his expedition to Palestine. Instead of a vacillating and feeble prince, the Church, the barons, and the whole nation, were convinced, within a very few weeks after his return to England, that their previous opinions of him would be more than realised. By their unanimous consent a king was crowned to rule over them with a strong will,—with a manly, handsome, and commanding person,—with affable manners, expressive speech, and chaste habits,—with legislative knowledge, laborious application, undoubted courage, arbitrary principles, clear sagacity, and sound judgment.

During the reign of his father, and his own absence from England, a feeble and disorderly government, and corrupt or incapable magistrates, allowed the country to be plundered and harassed by robbers, incendiaries, murderers, and ravishers. Edward resolved, without delay, to suppress these disorders, and to punish the malefactors. He instituted a tribunal, the court of *Trail Bâton*, arbi-

trary in its constitution, and summary as well as relentless in its proceedings, but necessary as an efficient remedy to insure the safety of life, and the protection of the towns, villages, highways, pastures, and woods, and for the peaceable occupations of the husbandry, manufactures, and trade of England.

This tribunal consisted of commissioners, with plenary authority to investigate all crimes and disorders of whatever kind, and to inflict exemplary punishment on all offenders. The commissioners thus authorised made circuits through the several counties, and the severity of the punishments which they inflicted, and the heavy fines they exacted, carried terror over all the kingdom. So terrible were their sentences, that, although the fines replenished the king's exhausted exchequer, he found it necessary to mitigate the proceedings; and when the disorders were suppressed by its terrors and severities, he directly withdrew the commission. Its effects were, however, not forgotten.

Edward seems to have, while in Palestine, if not before, acquired an inveterate animosity towards the Jews. In England, he resolved that no mercy should be extended to that oppressed race. He found the money of his realm generally debased by clipping and by false coining. Of those frauds it is probable that the Jews as well as many others were guilty, either immediately or by participation. Edward directed his vengeance solely against the whole Jewish race. On mere imputation two hundred and sixty-seven Jews were hanged and quartered in London, and many suffered death in other towns. The lands, houses, and goods of all Jews

were confiscated and sold. In his religious zeal (real or pretended) one-half of the proceeds of these contributions was ordered to be given to Jews who embraced Christianity. Scarcely any of the family of Israel accepted the bribe to desert the faith of their forefathers. He afterwards seized for his own use their whole property, and finally (in 1287) he expelled them all, about 15,000, from the kingdom.* Many of them, on departing from the kingdom, were despoiled and drowned by the seamen and other inhabitants of the Cinque Ports, from whom the king afterwards exacted the plunder as his of right. Usury did not cease by the expulsion of the Jews. They were succeeded by the Lombards and other Christian money traders, who clandestinely advanced money on more onerous terms, as the risk was greater, from the lending of money by Christians being forbidden by the canon and municipal laws.

Edward, with all his vigorous administration of the laws, and his effectual suppression of turbulence and robbery, never willingly abated any point of royal prerogative. Yet we owe to his reign the statute *Confirmatio Cartarum*,† by which the Great

* They were accused, it is believed falsely, in 1235, of circumcising and attempting to crucify a child, at Newark, for which they were fined 20,000 marks. In 1255, of crucifying a child at Norwich, for which charge eighteen were hanged. In 1242, Stow relates that 700 Jews were slain in London on a charge that a Jew made a Christian pay 2s. per week for a loan of 20l. They were accused of crucifying a child at Northampton, for which fifty Jews were hanged and quartered. For 363 years, after their expulsion in 1287, they did not reappear in England. The above charges against them were, no doubt, made with no other object but to plunder the Jews; more than two millions of whom were massacred on absurd charges on the continent of Europe during the fourteenth century. All their property was plundered.

† 25 Edw. I.

Charter is directed to be allowed as common law (by this statute it became, *de facto*, written law), and all judgments contrary to it declared void; and which orders that copies of it should be sent to all cathedral churches, and read twice a year to the people; and further, *that sentence of excommunication should be pronounced, AS CONSTANTLY, against all those that, by word or deed, or COUNSEL, acted contrary thereto, or in any way infringe it.* Edward was always ready to hear complaints against corporations and magistrates. The mayor and magistrates of London were accused of allowing, for a bribe, the bakers to supply bread under the legal weight. He took the charter from the city, and dismissed the mayor; but returned the first, and reinstated the mayor, *on being paid a large fine.* On his return from France, after three years' absence, he found that the judges had relapsed into corruption, and had received large bribes. He dismissed the chief judge, confiscated his estates, and banished him from the realm. Several others were similarly treated.* By his statute, *De donis conditionalibus*,† he greatly checked the freedom of alienating lands, originated the entailing of estates, and arrested the increase of the number of landholders. He afterwards, by the statute *Quia Emp-*

* By these confiscations and fines, Edward received the sum of 100,000 marks; an enormous amount in the money of that age, and which sum enabled him to carry on his wars. The following are the names given by Speed of the persons fined, viz.—Sir Ralph Hengham, 7000 marks; Sir John Lovetot, 3000; Sir William Brompton, 6000; Sir Solomon Rochester, 4000; Sir Richard Boyland, 4000; Sir Robert Sudentone, 2000; Sir Walter Hopton, 2000; Sir William Seaham, 3000; Robert Littlebury, clerk, 1000; Roger Leicester, clerk, 1000; Adam de Stratton, 3200. These were exclusive of the confiscations.

† 13 Edw. I.

tores,* compelled all who had purchased alienated estates, and all new purchasers, to hold of him as tenants *in capite*. The restrictions to alienate lands were, however, frequently withdrawn by paying large fines to the king. This was most likely the object of the first statute.

The Church, by various means, was yearly acquiring such additions to her territorial estates by alienations from the superstitious, and especially from dying sinners, that the whole landed property of the kingdom might finally have become an ecclesiastical possession. Edward resolved that this abomination and fraud should be crushed. Lands held by religious or lay corporations have at all times constituted, not only nuisances which disfigure all countries in which they are held; and if a few exceptions may be pointed out, the general rule of those corporate properties† being plague-spots in the land, will ever hold true.‡

As the Church was prohibited by the canon law to alienate any lands acquired by its corporation or sees, and as lands were continually bequeathed by dying persons and bigots to the ecclesiastical establishments, those estates were adjudged to be held by a *dead hand*, in *mortua manu* or mortmain, without any benefit to the king or to the public, and without any hope of their being ever recovered by laymen. The Church never dying, always ac-

* 18 Edw. I.

† Such as the property of the corporation of London, in Ireland; but even there, that property is an exception, inasmuch as most of the other landed estates in that country are badly managed, and are held under false circumstances.

‡ Such a glaring example is the property held by the Dean and Chapter of Westminster.

quiring and never selling lands, it was asserted that if the evil was not prevented, ecclesiastics would eventually obtain all the lands in England; and as the ecclesiastics held that they should, with respect to themselves and their corporate property, be only guided by the canon law, it was apprehended that that law, always odious to the English, would supersede the common law in every part of the kingdom. The king was, by the Church canons, deprived of his fees or scutages for such lands unless he resorted to violence, which, though dangerous, Edward I. did not hesitate to do whenever he was pressed for money. By the Magna Charta, granted by Henry III.,* lands were prohibited to be alienated to religious houses; but as the charter fell into disuse, the law was evaded; and it was not until the statute, *De Religiosis*,† and the 13th of Edward I.‡ were enforced, that *alienations* to the Church and religious and corporate bodies were adjudged illegal. No act of Edward's administration appears to have given more satisfaction to all the nation, excepting to the Church and religious bodies, than his vigorous enforcement of the laws against alienation of lands in *mortmain*.

In consequence of the irregularities that prevailed during the reigns of John and Henry III., lands were seized and held by many persons without any right excepting that of force or possession. The parliament, consisting of barons, knights, and ecclesiastics, complained in 1280 of those outrageous

* 9 Henry III., c. 36.

† 7 Edw. I.

‡ 2 West., c. 32. Also, confirmatory statutes of Edw. III. and 15 Rich. II., c. 5.

holdings, and the statute designated *Quo Warranto* was passed, which directed an inquiry into the warrant or title of possession to all lands throughout the kingdom. The evil consequences of this statute were not foreseen nor intended by the parliament. The king found it an instrument by which he could obtain large sums of money, as the titles to most of the lands in England were founded chiefly on long occupancy by the families of the barons, or by irregular alienations in former reigns. He proceeded to carry into general execution the statute of *Quo Warranto*, which was only intended by the parliament to extend to those persons who had notoriously possessed themselves of lands, by force or fraud. He, however, soon met with the general resistance of the barons. John de Warrene Earl of Sussex, whose ancestors fought with William the Conqueror, on his title being demanded, came boldly forward, drew his sword, and said, "By this title my ancestors gained their land, and by this I will hold it so long as I live. William the Bastard did not conquer this kingdom for himself alone, but also for those who shared in his battles."* The king, with his usual prudence, which always served him in his need, and which alone was greater than his ambition, proceeded no further in the arbitrary execution of the statute.

Edward did not act in so lenient a spirit with

* Rapin; Hume. A similar reply is said by Robertson to have been made by the barons of Scotland to Robert Bruce. When he attempted to arrest their turbulence by demanding their title-deeds, they started up in the assembly to which he summoned them, drew their swords, and exclaimed, "By these we acquired our lands, and with these we will defend them."—ROBERTSON'S *History of Scotland*, vol. i., p. 253.

regard to the ecclesiastics. When he had, in 1297, formed a league with the Earl of Flanders against France, in order to recover Guienne, out of which, as already observed, he had been treacherously cheated by Philippe *le Bel*, he called a parliament at St. Edmundsbury, where he received a subsidy of an eighth of the movables of the citizens of London, and a twelfth of those of his other lay subjects. But the clergy refused either aid or subsidy, pretending they were forbidden, by a bull just received from Pope Boniface VIII., to pay any taxes to secular princes without the consent of the Holy See. The Archbishop of Canterbury told the king that the clergy had two sovereigns—the Pope and the King of England; and that they owed superior obedience to the first.* The king represented to them that they enjoyed half the fiefs in the kingdom, and were protected, like the possessors of lay fiefs, and were bound to contribute in like manner to the public expenditure. They, however, remained obdurate; and the king determined that their contumacy should be punished. He first locked up all their granaries and barns, and prohibited any of their tenants to pay them rents. Finding this proceeding of no avail, he then confiscated all their *lay fiefs*, and declared the whole body of ecclesiastics *outlawed*. He forbade their being heard by the judges in any law proceeding; and he ordered that all accusations and law proceedings, against them, should

* This declaration was bold, but true; and if the titular Archbishops of Westminster and Tuam, and all titular Catholic bishops in England and Ireland, would honestly unfold their sentiments, they would say no more than tell the truth, if they declared that they held Pius IX. as their supreme sovereign instead of Queen Victoria.

be heard in the judicial tribunals. They were to have no justice against any man ;—every man was to have justice granted against them. They ought to have been convinced that he was not a king who would relent. He had some years before, without any pious remorse, seized on the money and plate of the churches, and applied both to the payment of his public expenses. He was neither bigoted nor superstitious; and although he had always gloried in the part he had taken in the Crusades, it was as a field for feats of arms and bravery that he entertained, with proud satisfaction, an admiration for those expeditions to Palestine. •

The ecclesiastics were now starved out of their churches, cloisters, convents, and palaces. When they came forth, whether on foot or on horseback, they were insulted, dismounted, robbed, and stripped of their garments, by the most reckless persons; whether in the towns or in the country. Even the haughty Archbishop of Canterbury was dragged out of his palace, and his furniture and horses plundered. He had then to seek a lodging in the humble dwelling of a country curate, from whence he sent forth the ineffectual, at that time, missives of excommunication. Edward remained passive: the people voluntarily avenged themselves on the clergy. The sacerdotal order had for centuries held the people in awe; the latter, under the new orders issued to the judges by the king, soon cast aside the respect which they had so long observed towards the priests and monks. At length, reduced to despair, the province of York relented, and agreed to pay the king a fifth of the ecclesiastical movables.

The Bishops of Ely and Salisbury would not pay directly in disobedience to the Pope, but they agreed to deposit a sum equivalent to the subsidy in a church, from whence the king's officers might take it away. Edward cared little for mere formalities: he was satisfied if he received the money of the Church. All the monasteries and clergy finally gave way. They could no longer bear the lingering martyrdom of outlawry, nor the summary process of confiscations and robbery.

But the money received from the Church proved insufficient for the French war. By his sole authority, he taxed the exports of wool and leather to about the third of the value; he limited the quantity of wool and leather that should be exported, and he seized all the remainder, and sold it for his own benefit. He seized on all the cattle required for the war, and ordered the sheriffs to send him from each county, without consent of the owners, 2000 quarters of wheat and the same quantity of oats, promising payment when the war was over. He exacted attendance in his army from every landowner possessing twenty pounds a year, whether they held feudal tenures or not. The barons refused to fight in Guienne unless they were led by the king; whereas the object of the latter was to head the attack in person against France on the side of Flanders. "You shall go to Guienne, or be hanged," said the king. "I shall neither go, or be hanged," answered Bohun Earl of Hereford; and, having so replied, he, with thirty other great barons, left the room.

Edward, uniting prudence with vigour, assembled

a great council. The expedition to Guienne was abandoned, and the king departed on his expedition to Flanders. This was in the twenty-fifth year of his reign, until which year he had ruled in disregard of the charter; and, though he had vigorously enforced all other laws, he levied, extorted, and demanded money on arbitrary principles. The cities had now, under their charters, acquired nearly independent municipal government; and they and the smaller tenants, as well as the greater barons, resolved no longer to allow themselves to be taxed by the king's sole authority. On his departure for Flanders, they delivered him a remonstrance at Winchester, complaining of the violations of the charter, and of the impositions of taxes,—and they claimed a full redress of grievances. The king framed an evasive excuse for delay, saying his council, whose advice he required, was not with him. During his absence, they met in a parliament at London. They were attended by strong bodies of cavalry; entered the city, of which, by consent of the council, they took possession, and also of the person of the Prince of Wales. They insisted on the law confirming the charter, and on the chapter usually entitled the statute of the 25th Edward I. The Prince of Wales and the council assented to these laws, and they were sent to Flanders for the king's confirmation; where, with the utmost reluctance, and only in his extreme necessity, he at length affixed his seal to the charters and to the additional law. On his return to England, the parliament, being convinced that Edward would evade those laws, upon the pretence of having only confirmed the charters

while in a foreign country, the barons insisted on his confirming them in his own dominions. After much delay he gave his consent, inserting the words, "saving the king's prerogative;" which *salvo*, in fact, destroyed the efficacy of both the statute and the charter. In consequence of which provision several leading barons left the parliament in disgust. At last Edward found it prudent to confirm the charters without any reservation, and three knights were chosen for each county, empowered to punish, by fine or imprisonment, every violation of those charters and the confirmatory statute.

Edward's insincerity with regard to the charters never abated. In the thirty-third year of his reign, a native of Bordeaux, formerly his vassal, became Pope, as Clement V. The king applied to him for an absolution from all the oaths he had sworn to observe, and the acts of parliament which he had ratified to confirm the charter. The Pope readily absolved Edward; but this perfidious conduct, on the part of the king, so thoroughly incensed the nation, that they constrained him to confirm the *Great Charter** in the most solemn and unreserved form; and the celebrated statute *De Tallagio non concedendo*† was passed, to bind the kings of England never to tax the people without the consent of parliament. Edward died the following year, near the borders of Scotland.

We have dwelt on this period of English history which includes the reign of Edward I., more in de-

* He made, however, certain reservations with regard to the charter and perambulations of the forests.

† 34 Edw. I.

tail than would appear necessary; were it not that the whole authority of the House of Commons would be frustrated, even at the present day, if the statutes of the 25th and 34th Edward I., and the legislation arising out of the provisions of those acts, were repealed.

Edward was undoubtedly one of, if not the, ablest sovereigns who has ruled over England. It must be remembered, also, that there was not at that period, nor long afterwards, a prime minister and a cabinet responsible to parliament. The king, in fact and practice, was the sovereign as well as prime minister. The high Church dignitaries were usually those to whom the kings intrusted the most important trusts of the administration. This choice arose from necessity, as the barons were unaccustomed to business, ignorant of the laws, and generally uneducated. Edward was remarkably jealous of all the prerogatives of royalty; and he was only prevented, by the probability of dangerous consequences to the crown, from being an absolute despot. Fortunately, his sagacity and prudence always moderated his arbitrary acts and ambitious designs; and it is to the several statutes and regulations passed during his reign, and to the reconstruction of parliament near the end of the thirteenth century, that we may justly attribute the beginning of the constitutional history of England.

The age was still barbarous,—manners were loose, the barons and knights turbulent, and obnoxious to the restraints of justice; they formed combinations to defeat the decisions of the tribunals

and the execution of the laws; and they were not fully restrained from plundering the country and each other even by a monarch of the vigilant, energetic, politic, and arbitrary character which distinguished Edward I. He mitigated, to a great degree, the extent and frequency of their depredations. He passed a law, the statute of Winton, to punish their robberies, and the statute of conspirators to destroy their combinations. He enabled merchants to recover their debts, and encouraged foreign traders to frequent the kingdom. His frugal and domestic virtues were remarkable at a period when the kings and nobles of Europe squandered their revenues, and were generally depraved in their morals. Notwithstanding his absolute principles, England owes to him a reform of the courts of law, the administration of which, considering the rudeness of the age, was maintained with remarkable vigour during his whole reign. He divided the Exchequer into four courts, in order to facilitate suits at law; he appointed justices of the peace, and abolished the office of high justiciary. Most of the acts which he assented to, and of the laws which he instituted, have been found efficient and just; and although they were afterwards often disregarded at various periods down to near the end of the reign of Charles I., and afterwards during the reigns of the two sons of that unfortunate king, they have never been erased, and they still form the strongest elements of the British Constitution. It was remarked by a high authority, Sir Mathew Hale, that the sudden and great improvements made in the laws during the reign of Edward I.

never received any considerable improvement until his own time.*

Scutages fell into disuse in Edward's reign; and they were replaced by taxes on movables. In the reign of Edward III., the tenths, or land-tax, were substituted for all scutages. Tonnage and some other duties of customs were also levied; but the revenue of all kinds was uncertain and unequal in amount, and it was chiefly spent in the wars of that martial sovereign. There was no standing army, and the feudal military service having been found ineffectual, soldiers were hired by contract for the king, who paid them wages at so much per day during the time they served. These troops having also their share of the plunder, fought desperately, in order to acquire the spoils of their antagonists.

If the great military and administrative abilities of Edward I. established order and rendered England powerful during his reign, it is evident that the laws were not established with sufficient powers to enforce their observance under a weak prince.

The reign of Edward II., from 1307 to 1327, constitutes a period of calamity, in which favourites ruled this miserable prince, until he was first dethroned and then murdered. The terrible battle of Bannockburn, which secured Bruce on the Scottish throne; a civil war, in which much blood was shed; anarchy and rapine; an unprecedented famine; the execution of many of the great nobility, including Lancaster, the first prince of the

* Sir Mathew Hale lived in the reign of Charles I., and under Cromwell.

blood, the Earl of Arundel, Gaveston, and the De Spencers; an infamous queen, who had deserted her husband, and afterwards, with her paramour Mortimer, joining the rebellion against the king; seducing her minor son from his loyalty; and the laws and government overturned, are the leading events of this 'savage and dismal reign.* There was no liberty;—licentiousness prevailed in all parts of the land. The barons, when summoned to parliament, refused to attend; and when not summoned, they came and met in parliament, attended by formidable bands of their armed retainers. Magna Charta and the statutes of Edward I. were, it is true, not abolished, but they were forgotten in the general turbulence; and after the horrible murder of the king her husband, the queen dowager and Mortimer usurped the whole authority, despite a council of regency which had been appointed to govern during the minority of Edward III. She, among other atrocities, caused the Earl of Kent, her son's uncle, to be executed. At last the barons combined against her. The queen and Mortimer were arrested: the latter was hanged on a gibbet, and the queen confined for life to a house of her own in the country.

The multitude of robbers and murderers who overran the country, being avowedly protected as retainers by the barons, Edward III., on taking possession of the government, directed his energies against those malefactors, who had long committed

* The Knights Templars were suppressed in this reign, but they were not burnt, as they were in Paris. The Pope gave all the wealth of the order to the Knights of St. John. •

their depredations in formidable gangs, commanded by desperate leaders.

The reign of Edward III. comprises an heroic period of English history, but not, in a constitutional view, so important a reign as that of Edward I. It is true, that in a parliament which he assembled in order to obtain a subsidy, he confirmed the charters and the privileges of boroughs; he granted a pardon for trespasses and old debts; and he yielded some other concessions. The parliament, in consequence, granted him, for two years, the ninth sheaf, fleece, and lamb, on the lands of the barons and knights, and a ninth of the movables of the burgesses; also 40s. on each sack of wool; on each 300 woolfels, and on each last of leather exported, for three years; but they declared that this subsidy should never be regarded as a precedent for future grants.

In his wars with France he incurred heavy debts, which, during his whole life, involved him in difficulties. Many of his acts were arbitrary and summary; and not only the primate, with the ecclesiastics, but the parliament, combined and forced him, by an offer of 20,000 sacks of wool, to assent to an act,* guaranteeing numerous privileges and salutary provisions; but which the king resolved, by a secret declaration, never to observe, and which illegal declaration the brilliancy of his military exploits enabled him to fulfil. He instituted the Order of the Garter; gave magnificent tournaments at Windsor, to which he invited kings, nobles, and knights from all parts of Europe. He enlarged, and, it may be

* 15 Edw. III.

said, built Windsor Castle, where he gave the banquets of the Round Table.

Edward III., and his son the Prince of Wales, called the Black Prince, were magnanimous as well as chivalrous; and they treated their prisoners, the Kings of France and Scotland, and generally all others, with remarkable politeness and humanity, considering the manners of that age. It would appear that the morals of this reign were not strict, and that the ladies of England abandoned the modesty and virtue for which English women and their Saxon ancestors had been distinguished. The rich gave costly feasts; and the chief magistrate of London, who was mayor and wine merchant, entertained in his house, at a great feast, the Kings of England, France, Scotland, and Cyprus, with all their retainers. The king gave also a tournament at Smithfield, where he appeared in his chariot with his mistress, Alice Pierce, as *Lady of the Sun*.

The reign of Edward III. resembled, in many respects, that of Louis XIV. of France. Both were conquerors; both were unfortunate in losing their sons; both had a mistress who governed them in their old age; both lost, Edward nearly all, Lewis much of, the territories they had won by their conquests; both involved themselves in heavy debts; both waged unjust wars; both levied arbitrary taxes on their own authority; and both constructed magnificent palaces. But Edward was far superior to Louis in moderation and justice, and far less bigoted. Although he did not openly countenance Wickliffe, he could not but secretly approve of his doctrines.

He refused to pay the tribute granted by King John to the Pope. He had the statute of *Provisors* and *Præmunire* enacted by parliament, by which those who obtained *provisions* or presentations from the Pope to English benefices were subjected to penalties, and afterwards to outlawry.* The Popes had generally granted those benefices to foreigners, who knew nothing of the English people or their language. Those statutes did not, however, finally put an end to the pernicious assumption of the Pope. Edward, however, two years afterwards, seized, by authority of parliament, on all the alien benefices, and the revenues of the convents of the French faction. He instituted the court of the Duchy of Lancaster; and a poll-tax was levied, of fourpence on each person, a short time before he died. In this reign the Latin and French languages were abolished in deeds and pleadings; but it was not until the wars against and for conquering France, that the kings and the nobility became hostile to the language as well as to the people of that country. The amalgamation of the English and Normans became general before the death of Edward III. in 1377, and we then find among the clergy, the magistrates of cities, and the lodges, numerous names of Saxon origin.

The commons, in the reign of Edward II., offered petitions for a redress of grievances to their acts which granted subsidies; and as it was said those petitions were always granted when attached to company so agreeable to the king, the practice was continued until the House of Peers, long afterwards,

refused to receive money-bills framed on such principles.

No one can doubt that the administrative maxims of Edward III. were arbitrary; and a brief recapitulation of the complaints of parliament, and his having had to confirm the charters about twenty times during his long reign, proves that he was mistrusted by all classes, and that he exercised high royal prerogatives, such as the dispensing power, erecting monopolies on the payment of fines, extending the forests, renewing the commission of Trail Bâton, arresting justice by warrants, extorting loans, interfering by authority of the privy council, which had become a kind of *Star Chamber*, in the adjudication of private causes; enlarging the jurisdiction of the mareschal's court and other arbitrary tribunals. The frequent outrageous and intolerable seizures of property without the consent of the owners, under the assumed prerogative of purveyance; pressing men illegally to serve in the army; taking men and ships* into the service of the king without the consent of the owners or crews, and imprisoning members of parliament for using freedom of speech, were among his other arbitrary invasions of public and private rights.

This king received much larger grants from parliament than any former sovereign. He ground down the nation by his taxes and his wars, yet his conquests are extolled in glittering declamation and florid sentences, by recent as well as former histo-

* Of 725 ships which constituted the fleet of Edward during the war with France, twenty-five only belonged to the king. All the others had been trading vessels of from twenty to one hundred tons, taken from the different seaports; which, with the number of vessels and their crews, are enumerated in the records of the time.—See *Archæologia*, vol. vi.

rians. But in truth his victories constituted absolute grievances, severely felt by almost every family in England. His conquests in France dazzled and gratified the English people; and he acquired, during war, such extraordinary power over them by the magic of his exploits, that we find he continually levied taxes without the consent of parliament, as unscrupulously as if the statutes of the 25th and 34th of Edward I. had been repealed. He held those acts in contempt; and he openly avowed his prerogative to levy taxes at pleasure for the defence of the kingdom. This was always his pretext for illegality. Such were the practices of the times; and they did not cease with the life of this monarch, for they became more irregular afterwards, and especially under the Tudors.

Notwithstanding the multitude of students at the two universities of Oxford and Cambridge, and the new colleges which were founded at each, ignorance prevailed. As for the 30,000 students mentioned by Speed as attending Oxford, Hume very justly remarks, "they went there to learn bad Latin and worse logic." It is true that Roger Bacon, and some other remarkable men of bold moral courage and great intellectual capacity, lived in the age beginning with the reign of Edward I., and ending with the reign of Edward III.; but they and the clergy were exceptions to the general ignorance and barbarism which prevailed. Yet we find, at the present day, the most florid eloquence declaimed in admiration of the revival of learning,—of a language forcible and copious,—of the vivid poetry of England, depicting manners and fortunes,—of profound and daring thinkers,

—of civil and political liberty,—of cities adorned, of trade, pleading, and learning secured,—of harvests gathered in tranquillity,—of the glorious feats of English yeoman beyond the Pyrenees, deciding the fate of Castile and Leone, and of terrifying Italy to the gates of Florence,—of the bringing French and Scotch kings as captives to London, and an English king crowned at Paris, during this semi-savage period of English history. Our researches have, unfortunately, brought us to a knowledge of far less agreeable facts respecting the English nation during the wars for reconquering France, including the reigns of Edward III. and Henry V.

The manufactures and trade of the kingdom were in a mean condition; and a pestilence—probably the Asiatic cholera—which traversed Europe, from the East, carried off multitudes, and according to some authorities, half, to others, one-third of the inhabitants of England. In London it is recorded that 57,000 perished. The seaports complained that their vessels were seized for the wars, and that their trade was ruined.

The lands of England were until a much later period chiefly under pasture or forests. Arable lands were rudely cultivated nearly altogether for the proprietors and by the labour of their *villeins*. If the harvests were reaped in peace, they were afterwards frequently carried off by robbers in the sheaf, or when threshed out. There were no vegetable, nor fruit, nor flower gardens; no orchards, apples, cherries, strawberries, raspberries, or stone fruits. Although robberies were greatly diminished, they still prevailed; and the King of Cyprus; when he visited

Edward III., was, with his whole retinue, stripped of their apparel and plundered of their effects in open day on the high road. Many of the barons headed the robbers; and although the laws against them were severe, they were frequently pardoned instead of being executed by the king.

We find at that time that the commons ascribe the numerous robberies, rapes, and murders to the protection which malefactors received from the barons, and the latter from the king.*

Laws, it is true, were made against luxury, and, in order to promote manufactures, prohibiting the wearing of any but English woven cloth; and the exportation of the latter and of English iron was prohibited.†

Wool, leather, skins, butter, tin, and lead were the only exports; and the first only to any value, the sale of which was limited to certain towns in England, and afterwards to Calais, to which place only those articles could be exported; but from which none but foreign traders were allowed to take them away. No voyages were made by the English as far as the Baltic until the middle of the fourteenth century, nor till about a hundred years afterwards to the Mediterranean. Instead of English shipping trading in security, single vessels could seldom venture to put to sea without being taken by pirates. Among those pirates it unluckily happened that they were often found to be Englishmen.

We need not be proud of the conquests of Edward III. or of Henry V., unless we cherish a grati-

* See Cotton's *Abridgment*.

† 28 Edw. III.

fication in unjust wars, in laying countries waste by fire and sword, in impoverishing and slaying the inhabitants, and in losing the countries and towns conquered as rapidly as they were taken. As for the feats of English yeomen beyond the Pyrenees, the Black Prince led them to force a tyrant, Peter the Cruel, on the throne of Castile and Leon.

With respect to the constitutional government of England, the commons proceeded by petition and not by bill, yet when they went so far as to impeach Lord Latimer, in the reign of Edward III., for high treason, parliament acquired both authority and weight, which, although often in abeyance, reappeared, and afterwards exercised functions that were founded on the laws of Edward I., and which ought legally to have enabled the commons to have prevented all the arbitrary and unjust acts of the kings from the reign of Edward III. to the reign of George III. But the kings not only managed by corruption or by intimidation to make false elections, but they soon learned to render the knights of the shires and the burgesses subservient to the royal will. History undoubtedly consists in a great degree of a record of many falsehoods; but it also registers formidable and incontrovertible facts, which are antagonistic to the praises or vanities of princes and statesmen, and which destroy the romance of the most splendid exploits, and of the glories of the destroyers of mankind.

Down to the period of the Reformation, and even until the abdication of James II., the kings arrogated and acted upon maxims of high royal prerogatives; the aristocracy stood on their vested hereditary privileges; the ecclesiastics claimed, assumptions which

defied all civil government, and all laws but their canon; and the commons alone, who were not corrupted or falsely returned to parliament, asserted the natural rights of civil and political justice, of intellectual and religious freedom.

The people, for whom all government ought justly to be instituted, being less instructed, more numerous, but not united, and ignorant of their strength and numbers, were held in bondage and in poverty. They were in reality the slaves of the three other powers. In an age of superstition, the Church, not Christianity, was triumphant. When the king was feeble, the aristocracy were turbulent and in the ascendant. When the king was a man of strong will, clear sagacity, powerful intellect, and undoubted bravery, the monarchy was paramount.

When a king like Edward I. or Edward III. occupied the throne, instead of a feeble sovereign like King John, they would not probably have lost Normandy. They certainly would not have granted the Magna Charta or the charter of the forests; nor would they have sold England to the Pope, nor have endured royal or national degradation from Rome. Had a standing army been established as early in England as in France; had the king possessed an independent revenue to equip and pay a powerful naval force, there would have been no more liberty for the English people than there existed in France until the end of the eighteenth century.

During the calamitous reign of Richard II., the House of Commons, which now held its sittings in a distinct chamber, exercised great and scandalous

power. The members were corruptly returned, especially for the shires, and the House often became a base instrument, swayed by the infamous Duke of Gloucester, the king's uncle, and the barons of his faction, for the purpose of impeaching the barons of the opposite, and especially the king's party or faction. The king, weak in his judgment, extravagant in his household, arbitrary whenever he could in raising money, indolent, except in his pleasures, governed by favourites, and disinclined to war, was despised by the English nation. The spirit and manners of the English were at this time remarkably boisterous and warlike, and they could only be controlled by monarchs who excelled in feats of arms, and who had dazzled the age by their battles and conquests.

It is, however, remarkable, that the greatest dangers, not only during the reign of Richard II., but at all times, to the security of arbitrary sovereigns, arose from the levying of odious taxes. The poll-tax granted by the commons, and the indecent attempt to levy it from a blacksmith in Essex for one of his daughters, caused the most formidable popular insurrection ever known in England. Its leaders vauntingly gave themselves fictitious, but effective names,—such as Wat Tyler, Jack Straw, Tom Miller, and Hob Carter. They roused the common people in several counties; they assembled under arms, and committed great excesses and outrages against the nobility, gentry, and their property; and, having assembled to the number of about 100,000 on Blackheath, demanded of the king or commission

of regency—1. A general pardon; 2. The abolition of slavery, for they were nearly all *villeins* or slaves; 3. Free trade; that is, free buying and selling, without tolls or fines, in the towns; and, 4. Fixed rents for lands instead of *villeinage*.

It cannot be asserted or argued by any rational being that these demands were not just, according to the law of nature and the doctrines of Christianity; and that the great multitude of people assembled under Wat Tyler and Jack Straw had every natural and divine right to use the *lex fortiori*, the law of the strongest, to free themselves from bondage. But they were not educated nor prepared for that combination and that intelligent and prudent course of action which would have insured them their liberties. Yet they remained formidable until they obtained charters of pardon and enfranchisement: of both of which, immediately after Wat Tyler was assassinated, they were most basely deprived by the king, the barons, and the parliament. The executions that followed, exhibit the barbarous and murderous practices of retaliation which were characteristic of the age. The *devastation* of a great part of France, some years before, during the insurrections called the *Jacquerie*, lasted longer; but those outrages on the part of the peasants or *villeins* nearly resembled in origin, spirit, and action, those headed by Wat Tyler. Both show the dangerous state to which the people may be driven by contumely and oppression; and both prove, like many others, that the insurrections of the populace, however justifiable on the ground of their being deprived of their rights, and

though destructive to life and property, are never successful, unless organised and commanded by men of higher rank, knowledge, and skill. Had a genius like Oliver Cromwell, with the prestige of being an educated country gentleman and a member of parliament, commanded the 100,000 *villeins* and artisans on Blackheath, he never would have been cut down by a mayor of London at an interview with Richard II., nor would he have disbanded his followers until he had overturned the government.

CHAPTER VII.

THE ENGLISH PERIOD CONTINUED—THE ROSES OF LANCASTER
AND YORK, 1400 TO 1485.

AN usurper, Henry of Lancaster, by crimes and perfidy overturned the government of the feeble Richard II., who probably died by violence in the Tower. Henry IV. was proclaimed king by his faction and a London mob. His reign of thirteen years was marked with bold acts, insurrections, civil wars, summary executions, and the most savage atrocities. The character of all the aristocracy and the landed proprietors had deeply sunk into barbarity, treachery, and dishonour. The spirit of chivalry and honour, which had dignified the feudal system, disappeared from among them. Like the Huns, Goths, and Vandals, the savages who now constituted the “stalwart barons” and the “gallant knights” of England, considered knowledge and learning effeminate, vulgar, and disgraceful. The burgesses and the knights of the shires were corruptly returned to parliament. Although it was known that the king, like his unfortunate predecessor, secretly favoured the doctrines of Wickliffe, yet he considered that superstition was more powerful than reason with a people, not one of whom in ten thousand, the clergy excepted,

could read, and of whom scarcely any, excepting the most profligate, who were engaged in fighting for either of the opposing factions, were acquainted with any part of England beyond the borders of the parishes adjoining that in which they lived.

Therefore, notwithstanding the complaints of the parliament against the Church, on account of its vast temporalities, Henry, willing, from policy, to conciliate the clergy, engaged his corrupted parliament to pass a law, enacting that heretics, delivered by the Church to the secular power, and who relapsed or refused to abjure, should be burnt in public by the magistrates. Before this reign the Church had only the power of imprisoning heretics. They now determined to proceed without delay to carry their new powers into execution, and in 1401 William Sautré, a Lollard curate, was burnt in London; but as this execution was generally disapproved, no more were burnt until 1410, when another was burnt by warrant from the king, which greatly displeased the commons, most of whom were favourable to the reformed doctrines. They petitioned the king to repeal the statutes made against them in the 2nd year of his reign, and another against the clergy. The commons stated that the *clergy* made an ill use of their riches, and laid out their incomes in a very different manner from the *intent* of the *donors*; that their revenues were excessive, and, consequently, it was necessary to lessen them; *that so many estates might easily be seized as would serve to provide for a hundred and fifty earls, at the rate of three thousand marks a year each; fifteen hundred barons, at a hundred marks each; six thousand two hundred*

knights, at forty marks ; and a hundred hospitals, at a thousand marks ; that by this means the kingdom would be in a better state of defence, the *poor* more amply provided for, and the clergy more mindful of the duties of their *functions*. A calculation attached to an address to the king stated that the ecclesiastical revenues amounted to 485,000 marks a year, and contained 18,400 ploughs of land. They proposed to divide this wealth among fifteen new earls, 1500 knights, 6000 esquires, and a hundred hospitals ; and that 20,000*l.* a year might also be taken by the king for his own use. They asserted that the clerical services would be better performed than in its then corrupted state, by 15,000 parish priests, paid by a yearly stipend of seven marks. This statement and proposal was accompanied with an address for mitigating the statutes enacted against the Lollards ; which proves that the commons, at least, entertained the doctrines of Wickliffe.

Henry sided with the Church, chided the commons, and, instead of accepting their proposal, signed a warrant to burn a Lollard, which greatly incensed the parliament.

Henry had early in his reign endeavoured to stifle the authority of the commons. In 1404 he corruptly endeavoured to exclude the most intelligent men from that assembly, by instructing the sheriffs to return no men of learning for the shires or boroughs. The members returned, accordingly, was called the *Parliamentum Indoctum*, and in English, the *Lack-Learning* Parliament. This could hardly be a fact, except that there was scarcely any learning except as regarded the common and statute laws ; for the mere

learning of the Church, with its irrational pretensions and absurd philosophy, could not be designed by Henry's instructions, which most authorities consider to be directed against returning those who were learned in the law. But this unlearned parliament, however, showed extreme unwillingness to grant any money to the king; and he was boldly told that there was not any necessity for exacting taxes from the people; that the clergy possessed one-third, and that the best, of the lands of the kingdom, without contributing any personal service to the king; that their riches made them indolent, proud, and immoral; and that the king, by reducing their enormous revenues, would amply provide for the public necessities, and at the same time purify the Church.*

Although Henry corrupted the parliament so far that he committed the daring act of executing an archbishop, and procured their consent to the summary putting to death all those whom he feared, or of whom he was jealous, yet they seldom yielded to him in granting money. A political murder seems to have seldom concerned them, either at this period or for more than two hundred years afterwards. Taxes affected them all. Giving away their own money, or part of their property, was resisted as far as possible by all. The king might take the

* Hume observes :—"When this address was presented, the Archbishop of Canterbury, who then attended the king, objected that the clergy, though they went not in person to the wars, sent their vassals and tenants in all cases of necessity; while, at the same time, they themselves, who stayed at home, were employed night and day in offering up their prayers for the happiness and prosperity of the state. The speaker smiled, and answered without reserve, that he thought the prayers of the Church but a very slender supply. The archbishop, however, prevailed in the dispute; the king discouraged the application of the commons; and the lords rejected the bill which the lower house had framed for stripping the Church of her revenues."

blood of powerful barons or a dangerous archbishop, but money they would not allow him to touch without their consent. Yet the reign of Henry IV. was a perilous one for the liberties of Englishmen. The statutes of Edward I. were not disputed, nor were any taxes levied without the approval of the commons by the kings of the house of Lancaster; but that which alone could deprive the nation of constitutional rights, was practised, though resisted. It was a policy which kings and ministers have ever since, at least down to the passing of the Reform Bill, practised. That policy was to tax the people by the engine of a corrupt House of Commons.

On this perfidious and profligate corruption in the reign of Henry IV., Rapin judiciously remarks—“By the direction of the court, certain artifices were practised, as rendered the freedom of voting of no effect, seeing the *sheriffs* took the liberty to return such *representatives* as had not a majority of *votes*. This is a thing of so fatal a consequence, that one may venture to affirm, *the liberty of the English will no longer have a being than whilst the privilege of freely electing their representatives in parliament stands inviolated. If once the sovereign comes to choose what representatives he pleases, the bounds of the royal authority will in the end be so vastly enlarged, that nothing but the mere shadow of liberty will remain.* Of this we have seen a remarkable instance in the reign of Richard II. And it may further be affirmed, that all the kings of England which have enjoyed a more absolute power than the rest, got it by this way—I mean, by procuring such persons to be elected as were devoted to them. When a parliament is made up of such

members, it is no longer the king that is charged with the encroachments made upon the people's liberty, but it is the nation itself that voluntarily runs into slavery; and if afterwards they are desirous to throw off their chains, there is no remedy to be had but by force of arms; and hence, by the way, has sprung the greatest part of the civil wars which have been so often kindled in England."

The parliament which met in January, 1410, were, however, not so far corrupted as not to have become alarmed at the king's interference in the previous elections; and the commons presented a bill to him, enacting, "that the sheriffs who should be guilty of making *false returns*, should be fined a hundred pounds sterling for every such offence." The king having to demand a subsidy, gave the royal assent to this act, which he would never have done were it not that the subsidy depended on his agreeing with the commons;—a precedent which has never been forgotten.

The commons assumed great authority at this time, and passed many laws for the purer administration of the laws. The crime of cutting out men's tongues was so frequent, that a law declared it felony; judges were made responsible for any iniquitous proceeding, though they pleaded the king's instructions; the commons, in voting the yearly supplies, appointed their own treasurers; and Cotton remarks, that the speaker and members of the commons "took at this time unusual liberties;" but afterwards, when the king found himself, after enormous bloodshed in the field, and the execution of the most powerful nobles, secure

on the throne, he treated the speaker of the house with contempt, on applying for the usual liberty of speech.

Henry died in the twenty-third year of his reign, hated, as he had been for a long time feared, by the people. Like all tyrants, he was superstitious. His son, Henry V., involved England in a successful war with France. He was, in consequence, and by his great and almost incredible victory at Agincourt, the most popular prince of the age. The brilliancy of his short reign of ten years obscured the spirit of civil and religious liberty; and, excepting in the arbitrary exercise of purveyance to maintain the troops which were in his army, for the first time brought together by a commission of array, he did not outrage the authority of the laws. His reformed habits, his piety,* and his chivalry, were all greatly admired in that age. But his victories in France were of great disadvantage to the English nation, and never of any profit. The fruits of whatever industry existed were exhausted by those expeditions; the calamities inflicted on France atrocious and unchristian; and, on dying young, and leaving an infant male child as his successor, England was left to a long minority under the regency of Henry's brother, the Duke of Bedford.

This prince was scarcely inferior to Henry in bravery, and, perhaps, superior in wisdom. But he soon met with disasters. Joan of Arc rose amid the superstitions of a barbarous age, and a corrupt

* Rapin says, "A great friend of the church and clergy."

and cruel hierarchy; and fortunately, with the exception of the single town of Calais, the English were driven, we hope for ever, from France. This good fortune, at that time considered the greatest of calamities, would have been complete, if Calais, which continued a plague-spot of expense and an inlet of interference, had fallen, with the other conquests, under the power of France.

In alluding to the manners of the age, and the spirit of the religion of Europe, the brutal conduct of the Duke of Bedford, and the satanic wickedness of the Church, in condemning and burning alive the Maid of Orleans, may be deemed among the most execrable trials, judgments, and executions to be found among the annals of iniquity and cruelty.

Justly has Hume remarked, "that this admirable heroine, to whom the more generous superstition of the ancients would have erected altars, was, on pretence of heresy and magic, delivered over alive to the flames, and expiated, by that dreadful punishment, the signal services which she had rendered to her native country."

Her inquisitors were the horrible Cardinal of Winchester,* who was one of the uncles of Henry V., and several other prelates. Whenever we speak of the Church of Rome and its corruptions, we wish to be understood that we allude to the temporal and immoral iniquities of its corrupt prelates and church dignitaries. The people professing that faith were then, as now, only superstitious from being ignorant.

* It was this notorious prelate who, to answer his own ambitious views, prosecuted the Duchess of Gloucester for witchcraft, and who, at length, had her husband murdered in prison.

Nor can there be any doubt of the sincerity or the piety of the people of whatever country, who offer up their devotions before the altars of the sublime temples or attractive chapels of that magnificent church. Superstition prevails among the ignorant of all religions. Nor is the Romish Church alone chargeable with persecution. John Calvin, when he burnt Servetus alive, was not more tolerant, not more imbued with the charity of Jesus, than the wicked Bishop of Winchester, who burnt alive the Maid of Orleans.

It may be observed, without entertaining any want of charity towards the professors of the Church of Rome, that, although its immoralities have been purged, and that private virtues distinguish its worshippers, yet that the doctrines, the government, and supremacy arrogated by that hierarchy, have not been changed since the days when the Maid of Orleans was burnt; and that true liberty and sincere belief in the faith and authority of that hierarchy are incompatible, and cannot subsist together in a free government. So that every advance in the progress of civil and political liberty, and in intellectual and religious freedom, must, logically, morally, and practically, be in the same degree a departure from the assumptions of Papal authority, and from the passive obedience insisted upon by the *dogmas* of the Romish Church.

CHAPTER VIII.

CONCLUSION OF THE FIRST PERIOD OF ENGLISH HISTORY—THE
WARS OF THE ROSES, AND THE ACCESSION OF HENRY VII.

THE remainder of the reign of Henry VI., after he attained his majority, was disordered by factions, insurrections, and executions. The wars of Henry V. and the Duke of Bedford, in France, enfeebled England,—not by the loss of the conquered provinces, but by the drainage of men from their employments, and of money, wool, or cattle to defray the expenses of these expeditions. The kingdom was during the same period afflicted with plagues and famine.

The people were, throughout the reigns of Henry V., Henry VI., Edward IV., Richard III., and for some years after the wars of the roses ceased, grievously oppressed. Those reigns may be considered a period of national calamity, scarcely less destructive to the English barons and people than the tyranny of William the Conqueror. The adherents of the queen, Margaret of Anjou, one of the most remarkable, ambitious, and unscrupulous women of that age, and those of the Yorkists, divided the English nation into two ferocious and revengeful factions. The private murder of the king's uncle, Humphry Duke of

Gloucester,* one of the most accomplished and most popular men in the kingdom, by a plot, in which the execrable Cardinal of Winchester and the unscrupulous queen were the chief parties, first gave rise to numerous insurrections, all of which were suppressed excepting one, consisting of more than 20,000 Kentish men, who were led forward by one Jack Cade, an Irishman. He assumed the popular name of Mortimer, son of Sir John Mortimer, who had been illegally tried and executed. The city of London opened its gates to Cade, who made very reasonable proposals for a redress of grievances. He for some time subjected his followers to regular discipline, led them each evening before dark out of the city, and returned with them in the morning; but having allowed them to put Lords Say and Latimer to death without trial, he lost all control over that ignorant multitude. They broke into and plundered a rich house, and the city, in consequence, shut its gates against them, and with the aid of the military repulsed them with great slaughter. They retreated into Kent, Cade was slain, and, although a general pardon was promulgated, many of his followers were executed. This happened in the year 1450, and formed a prelude to the civil wars of York and Lancaster. Hostilities between those families broke forth two years afterwards, by the Duke of York appearing under arms; and those ferocious wars continued to deluge the kingdom with blood until the reign of

* He fought many battles in France, and carried to England all the books and manuscripts found in the king's library at Paris. He gave them to the university of Oxford, and they constituted the foundation of the Bodleian library. Many of them were destroyed as *popish* by the zealots of the Reformation.

Henry VII. The elder Duke of York being killed at the battle of Wakefield, the boldness and success of the Yorkists, and the weakness and timidity of Henry VI., enabled his son, afterwards Edward IV., to assume the crown under cover of a sort of popular election, by the military, the noblemen, and clergy of the York faction, and a promiscuous London mob. The battles which followed, the success of Queen Margaret, the flight of Edward to Holland, the reverses of the queen, the return of Edward, the incessant actions, plots, treacheries, slaughters, and assassinations, constitute a period of English history which may be considered the tragical epic of England's woes. Those perfidious deeds seem almost incredible. They, however, are unfortunately authentic beyond any doubt; yet they resemble far less the plain truths of common history than they do the horrors of savage revenge, and the barbarities of the Huns and Goths.

Enormities were previously committed by the queen's party, and by that of York. The parliament was in favour of the latter, and the powerful *favourite*, if not paramour, of the queen, the Duke of Suffolk, was banished for five years. On his passage to France, the vessel which carried him was boarded by an armed pirate belonging to the Duke of Exeter, Constable of the Tower. The captain, pretending he or some friend had lost an eye fighting for the York faction, cut off the duke's head, and removed a potent adherent to the faction of Lancaster. On the return to England of the Duke of Somerset, who had surrendered Caen, he was sent to the Tower. The populace broke into

his palace, and plundered all his movables. He was released by the king, and killed at the first battle of St. Albans, where the Earl of Warwick, at the head of the Yorkists, destroyed about 5000 men, among whom were the Earls of Northumberland and Stafford, and about forty other lords and knights. Many others were severely wounded, among whom was the Duke of Buckingham. The Duke of York was then by parliament made Lord Protector of the kingdom.

London was at the same period disturbed by riots; and on the king ordering that certain persons, who raised a mob to side with an English against an Italian merchant, should be punished, the populace effectually obstructed the royal mandate. The battle of Bloreheath was fought soon after, where the queen's general, Lord Audley, was slain. The battle of Northampton followed, in which the Lord de Ruthyn deserted with his forces to the Yorkists; and it is affirmed that ten thousand of the royalists were killed, among whom were the Duke of Buckingham, Lords Shrewsbury and Talbot, and many others of the nobility. The king was taken prisoner, and the Duke of York assumed the government; but he was killed at the battle of Wakefield, and his younger son assassinated by Lord Clifford, surnamed the butcher,* who stabbed him in the back with a dagger. Lord Salisbury being taken prisoner, was executed by the queen's order.

We now come to the acts of Edward IV., then Earl of March. Almost immediately after the battle

* So styled for the numbers he killed with his own hand.—RAPIN.

of Wakefield he defeated the queen's forces, commanded by Pembroke, with great slaughter, at Mortimer's Cross; and taking Owen Tudor, Pembroke's brother, prisoner, he summarily beheaded him and several others. In the mean time the queen's northern troops were ravaging the country south to the gates of London, where Earl Warwick, aided by the *trainbands* of London, dispersed them; but at the battle of Bernard's Heath, near St. Albans, Lord Lovelace, who commanded a division of Warwick's army, deserted with his troops; the queen's forces were in consequence victorious; and her revenge was unsparing, in putting all the distinguished prisoners to death. Disorders in London followed, and the queen retreated to the north. Edward entered London; and in March, 1497, he was, by his faction and the populace, proclaimed king. He began his reign by putting to death the landlord of an inn, with the sign of the Crown, who had jestingly said he would make his son heir to the Crown. He then marched against the queen's army, and fought and gained the ferocious battle of Towton, in which he ordered that no quarter should be given to the Lancastrians. It is asserted by historians that more than thirty-six thousand were slain in this battle, and in the flight which followed. The Earl of Northumberland, Sir John Nevile, brother of the Duke of Westmoreland, Lords Dacre and Welles, Sir Andrew Trollope, and many others, were killed. Lord Courtenay was captured, and then executed; the Earl of Oxford and his eldest son were also beheaded; and Edward then created his two brothers, the first, Duke of Clarence, the second, Richard,

Duke of Gloucester; Falconbridge, Earl of Kent; Bouchier, Earl of Essex; and Neville, Warwick's brother, Lord Montague. On his coronation this tyrant received the Pope's congratulations for his victories; the king, at the same time, made numerous concessions to the clergy, shielding them against the penalties of *provisors* and *præmunire*. The war was continued, and Montague defeated a division of the queen's army, and killed Ralph Percy. In another battle, Earls Somerset, Ross, and Hungerford, were taken prisoners and beheaded.

Margaret's affairs became desperate, and she retired to France. Her adventures were almost incredible. Her husband was taken prisoner. Edward confiscated the estates of the Lancastrians, and soon after married Elizabeth Woodville, the widow of one of that faction. She acquired unlimited ascendancy over him by her own fascinations and abilities, and by never reproaching him with his numerous infidelities.

Edward IV. was a handsome libertine, and at the same time an uxorious husband. His wife, Elizabeth Woodville, a beautiful and highly accomplished woman, governed him and the country, while Edward was delighted in never being reproached for his infidelities.. Jane Shore and others were not only received as brilliant ornaments at his profligate court, but lived with him in the pride of being his kept mistresses. With great facility of speech, and, when he liked, gracious manners, this dissolute prince was one of the most ambitious, and, unless it were his brother Richard, the most cruel of the kings of England. Whoever stood in this

tyrant's way, either directly or in prospect, was put to death whenever they came within his power.

His debaucheries were soon disturbed. Many of the nobles of his faction, especially the Earl of Warwick, were incensed at the royal favours bestowed on the queen's family; and especially at the elevation of her father, one of the most accomplished scholars of the age, to the rank of Earl of Rivers, and afterwards to the office of treasurer and high constable. A rebellion followed. Montague defeated them in a battle with great slaughter, and beheaded their leader; but soon after Edward's army was defeated near Banbury, and the Earl of Pembroke and his brother were taken prisoners and beheaded. • Earl Rivers was taken in his house at Grafton by the Northamptonshire revolvers, and beheaded. Warwick and the king's brother, Clarence, then declared for the revolvers. They surprised Edward in his camp at night, made him their prisoner, and confined him in Middleton Castle, from which he escaped to London. He beheaded Lord Welles, after giving him a safe conduct to leave the sanctuary of Westminster, and his brother-in-law, Dymock, merely because Welles could not induce his son to desert from Warwick. He soon after intercepted the forces of young Welles, near Stamford, and defeated and beheaded him. Rapin says ten thousand were slain in this battle. Warwick retired to France, but returned on receiving aid from Louis XI. He soon raised an army of sixty thousand men, proclaimed Henry VI. king, and ordered a levy *en masse* of all males from sixteen to sixty years of age. Montague now deserted

and joined Warwick, and Edward IV. escaped to Holland.

Henry VI., or rather Warwick, immediately assembled the formality of a parliament, which was in reality a subservient meeting, to whom was dictated a confirmation of the revolution, and a declaration that Edward was an usurper and traitor. The Duke of Clarence and Earl of Warwick were then declared governors of the kingdom; and in January, 1471, the earl filled the post of Lord High Admiral of England, while the Duke of Clarence, who married Warwick's daughter, levied troops to oppose the landing of Edward, whose cause was taken up by the Duke of Burgundy. Edward, however, disembarked with two thousand men at Ravenspur; but he then assumed only the title of duke, claiming the inheritance of his family. He was brought into the city of York, against the will of the magistrates, by the force of the citizens. At the same time, he swore fealty to Henry VI. in the cathedral of that city.

Having received an increase to his army, he marched from York towards London. Montague, who commanded a division of Warwick's army, allowed Edward to pass. The Duke of Clarence deserted Warwick, and proclaimed his brother king. Edward and Clarence then marched south with their forces to the gates of London. The citizens, believing Warwick's power lost, and terrified at the prospect of being plundered if they resisted, opened their gates, and received him with acclamations. Henry's faction immediately deserted him, and he was confined in the Tower.

Meanwhile, Warwick and Montague prepared to fight the usurper, and a desperate and obstinate battle was fought at Barnet, in which Warwick and Montague were killed, and Exeter wounded. No quarter was given by Edward, and ten thousand men are said to have perished.

It would appear that, by this victory, he had thoroughly vanquished the Lancastrians; but Queen Margaret arriving from France, they levied a large army in two or three weeks, and in two divisions, under the Duke of Somerset and Lord Pembroke, marched towards London. Edward marched rapidly to meet them with his army, commanded by himself, Clarence, and Gloucester, and fought a battle near Tewksbury. Somerset fought bravely, and his general, Lord Wenlock, remaining inactive with his division, the duke clove his head with a battle-axe. Somerset was defeated, and, with Queen Margaret and her son, the legal heir, taken prisoners. After the battle, the brutal victor struck the young prince, then eighteen years old, across the mouth with his gauntlet, and the Dukes of Gloucester and Clarence, and Lords Dorset and Hastings, fell on the prince, and plunged their daggers into his body. The Earl of Devonshire and Sir J. Beaufort were slain in the battle; the Duke of Somerset and the Grand Prior of the Order of St. John were beheaded, and Margaret imprisoned in the Tower until ransomed by the King of France for 50,000 crowns. Peace was not, however, secured. The Bastard of Fauconbridge surprised London, but was repulsed. He surrendered at Sandwich, on the king

granting him a pardon and knighthood. His head was, however, soon after cut off.

Edward regarded neither his oaths nor his word of honour when it appeared expedient to extinguish any person whom he either fancied or knew to be in any degree, or under any circumstance, opposed to his ambition.

The next victim was Henry VI., who was put to death by the king's orders, and, it is believed, by the hands of the Duke of Gloucester. Twelve great battles, fought during the sixteen years 1455 to 1471, several minor combats, and the numerous executions, or rather murders, perpetrated by Edward IV., destroyed most of the nobility of the Lancaster faction, and there only remained two of the family—Margaret, daughter of John, Duke of Somerset, and wife of Edward Tudor, half-brother to Henry VI., and her son Henry, Earl of Richmond. This prince and his uncle, Jasper Tudor, Earl of Pembroke, retreated into Wales, from whence they escaped to France. The intrigues to induce the Earl of Bretagne to betray Richmond into the hands of Edward, and his imprisonment for life of the Archbishop of York and Lord Oxford, were characteristic of this perjured king. Nor did he limit his tyranny to persons of rank. He put to death or fined all whom he could prove to have been in arms against him. Having killed a favourite white deer belonging to Thomas Burdett, the latter rashly said he wished the horns in the belly of the man who killed the animal. This hasty expression was repeated to the king, and in two days Burdett was

tried and executed for high treason. The Duke of Clarence indiscreetly blamed the king, his brother. He was also condemned to death; and being left to choose the mode of execution, was drowned in a butt of malmsey. The queen and Gloucester precipitated this judicial murder.

The remaining years of Edward's reign, from 1473 to 1483, he devoted to sensual pleasures, indolence, fruitless expeditions to France, and negotiations with various foreign states, chiefly in contracting marriages, never celebrated, for his young daughters. He died, leaving behind him a character detestable for its cruelty, perjury, dishonour, and disregard for the laws, and for using parliament as an instrument to countenance his crimes.

His sons, the one styled Edward V., aged thirteen, and his brother, the Duke of York, aged nine, were murdered by their uncle, the tyrant Richard, who had previously shed the blood of Lords Grey and Rivers, and of Sir Richard Hawse and Sir Thomas Vaughan, secretly in Pomfret Castle. He assassinated Lord Hastings in cold blood, and beheaded the very instrument who placed him on the throne, the infamous Buckingham. Having usurped the crown, he called a parliament, and passed some good laws, in order to conciliate the English people, the aristocracy of which, both Lancastrians and Yorkists, had been nearly extirpated by the civil wars, commencing with the usurpation of Henry IV., and ending with the battle of Bosworth Field, in which Richard was killed, and Henry, Earl of Richmond,

victorious. The first Duke of Norfolk, created by Richard III., Lord Ferrars, and several others, were among the slain; but, with the exception of Catesby, none of the prisoners were executed.

This period extends over the first eighty-four years of the fifteenth century; and notwithstanding the brilliancy which historians have shed over the short reign of Henry V., the whole period constitutes the most ferocious and dark portion of England's history. Not one of Edward III.'s posterity, excepting Elizabeth, who married Henry VII., remained. Almost every male of the House of Plantagenet died an untimely or violent death.

During this age of enormities there were some exceptional gleams of civilisation. The art of printing had been introduced fourteen years before the fall of Richard. Amidst the general ignorance which prevailed, there were several men learned in the erudition of the age, both in the inns of court, in the universities, and especially in the monasteries. Towns and guilds carried on, despite the civil wars, various branches of trade, important considering the condition of the kingdom, although not altogether equal in either value or extent to the trade and navigation conducted by many single commercial firms at the present time.

London was then, as now, the chief seat of the trade and navigation, and also the centre of the wealth of England. Bristol, whose original trade was dealing in English slaves, rose as a commercial and maritime town; from whence the Cabots, in the reign of Henry VII., sailed in quest of discoveries.

Plymouth, the Cinque Ports, Newcastle, Chester, and other places, carried on some trade and navigation. The charters of towns and corporations enabled them to exercise trades and enjoy privileges, which inclined them to submit generally to whatever authority was in the ascendant, and they consequently, during the civil wars, seldom risked either their property or their persons in the conflicts of either faction. There were exceptional cases, it is true, but these were chiefly confined to London and York.

Among the statutes passed during the above period, some were important, if observed, in regard to constitutional principles. Henry IV. agreed to two acts,* one, directing that on elections of knights of the shires, the names of the persons elected shall be returned on indentures, sealed by the electors and the respective sheriffs; the other, that every sheriff making a false return shall forfeit 100*l*. The 8th Henry VI., cap. 7, enacts that knights of the shires shall be seised of freeholds of the value of forty shillings, every elector of forty shillings; and cap. 18, a justice of peace of twenty pounds per annum. And even Richard III. enacted that no money should be demanded by loan and benevolence, it being frequently extorted by force; for the king named the sum, and it was dangerous to refuse it. •

In all other respects, the kingdom and people of England were, on the 23rd of August, 1485, the day after the battle of Bosworth Field, socially, morally, and physically prostrated by the turbulence and the

* 7 Henry IV., cap. 14, and 11th Henry IV., cap. 4.

bloodshed which had prevailed since the period of the discomfiture of Richard II. by Henry of Lancaster, until Henry Earl of Richmond was firmly seated on the throne of England as the first king of the line of Tudor.



CHAPTER IX.

THE SECOND PERIOD OF ENGLISH HISTORY.

THE REIGNS OF THE TUDORS: HENRY VII. TO THE DEATH OF
ELIZABETH, 118 YEARS: 1485 TO 1603.

THIS second period of English history comprises—
1. The cheerless and arbitrary reign of Henry VII., who by his avarice, vigilance, cunning, and duplicity, cajoled and terrified the lords, the commons, and the people, and who ruled, taxed, and extorted by his sole authority, with profligate instruments, and with the approbation of none but the ecclesiastics, two of the highest dignitaries of which were his only counselors; but in despite of which despotic rule, new circumstances in the condition of the English people, favouring agriculture and commerce, began to develop lasting benefits to the nation. 2. The turbulent reign of Henry VIII., under which the parliament was reduced to its lowest point of subserviency to the sovereign, and during which the Papal supremacy and hierarchy were for ever overthrown in England, and the supremacy transferred from the Pope to the king. 3. The short reign, or rather minority of Edward VI., during which the Romish hierarchy and the mass were supplanted by the episcopal hierarchy and the service of the Church of England. 4. The short,

bigoted, and persecuting reign of Mary, in which the last bloody efforts of the Popish queen and the Romish ecclesiastics, convinced nearly the whole nation, then and for ever, that the Pope's supremacy and the Roman Catholic hierarchy were utterly incompatible with civil and political liberty,—with intellectual and religious freedom. 5. Of the peaceful, long, and arbitrary, yet prosperous, reign of Queen Elizabeth, under which the Protestant religion and the protection of life and property were secured on strong, though not perfect, foundations.

The period of the reign of the Tudors was fertile, not only with great events in the annals of England, but in the history of the world.

In its early part, and immediately before the beginning of the sixteenth century, Columbus opened a previously unknown world, with its inhabitants, animals, mineral and vegetable riches, to the enterprise, conquest, domination, cruelty, and injustice, as well as to the benefits and knowledge of the adventurous spirits of Europe.

Vasco de Gama discovered a new route on the ocean, and by his example led maritime and commercial adventurers after him to the Indian seas and nations. Both discoveries opened a magnificent era in the navigation and commercial enterprise of the world.

On the north of the Alps a formidable revolution against the Popish supremacy and exactions arose, and menaced the whole authority of the Romish hierarchy, which had just, under the ambitious and energetic Julius II., attained its highest and widest extension of haughtiness and power. Luther and

the Protestants were protected by the illustrious ancestors of the royal personage, who is now the Prince Consort of the Queen of the British Empire. In many states of Germany and in Holland that revolution was successful, and its reforms became established both as religious and national institutions.

In England the reformed worship remained in its constitution, as we have observed, prelatic, retaining its canon law, but under the supremacy of the king. In Scotland it was some time after instituted as a Presbyterian, democratic, and poor church: the estates of the Romish Church and abbeys having been seized by the turbulent barons. In Ireland, the whole population, excepting the few who were within the English pale, remained under the Romish priesthood; while, at the same time, all the statutes of the English parliament, from Magna Charta to the 10th Henry VII., were enacted by an Irish parliament, held by Sir Edward Poynings under a commission from Henry VII., to have full force ever after in that kingdom. These acts have become since styled "*Poynings' laws.*"

It was during the Tudor period that the grandson of Ferdinand and Isabella, the Emperor Charles V., held under his absolute sovereignty Spain, and the empire of the American Indies,—the dominions of his grandmother, the sole heiress of the last Duke of Burgundy, and those of his grandfather, her husband, the Emperor Maximilian of Austria. All his power, genius, and wars were, however, insufficient to destroy the Protestant ascendancy in Germany; and this most able, crafty, martial, and arbitrary of the German emperors and of the Spanish kings' was discomfited in council and in the field by Maurice Elector of Saxony,

who may be justly considered the most remarkable personage in the history of Germany during this eventful age. He was killed in the terrible battle of Sieverhausen, which was gained by the allied forces, of which he was generalissimo, in the sixth year of his electoral dignity, and the thirty-second of his age.

It was also during the period of the Tudor reigns that, after the treaty of Château Cambresis,* the tyranny of Philipp II. and the atrocities of the Duke of Alva drove the exasperated and hardy people of Holland, who were before scarcely mentioned in the history of the empire, into that desperate resistance to the whole power of Spain, which redeemed their ancient liberties and secured their independence and power. For half a century the citizens of the united provinces combated the armaments, and ruined both the finances and military fame of that monarchy.

But during this period, and long after, Russia was unknown among the governments of Europe; nor was it until the beginning of the eighteenth century that Russia advanced into the European polity of recognised governments. Until the reign of Peter the Great, Muscovy belonged, properly speaking, though situated in Europe, to the Asiatic character of nations.†

Denmark was enfeebled by intestine disorders and foreign wars, and Sweden redeemed her independence under Gustavus Ericson; and in the following age

* This treaty, concluded in 1559, was chiefly between Philipp II. and Henry II. of France. Queen Elizabeth was a party to it in the second year of her reign, but Calais and the two adjacent forts of Ham and Guisnes, conquered by Henry from her sister Mary, were fortunately not restored to England.

† See a brief sketch of the rise and power of Russia in this volume, pages 31 to 44.

sent forth Gustavus Adolphus as generalissimo of the Protestant armies in Germany.

REIGN OF HENRY VII.

Henry VII., on ascending the throne of England, became the king of a people who were exhausted in their fortunes, and of whom there were few families who had not mourned for the death of some one or more of their number on the scaffold, or in the field, or by judicial assassination, during the civil wars. All seemed, therefore, anxious to secure the crown, and destroy the causes of faction and bloodshed, by the union of the houses of York and Lancaster in the marriage of the Earl of Richmond with Elizabeth, the daughter of Edward IV. and Elizabeth Woodville. It was under this express contract that Henry was invited to England, and proclaimed king on the field of Bosworth, and in London. The sentiments and affections of the nation were far more favourable to Elizabeth, first, as the legal heir to the crown, since her brothers, Edward V. and the Duke of York, were murdered by their uncle Richard; and secondly, by the security against the renewal of internal devastation and bloodshed, which they hoped would be established by the marriage of the heiress of York with a prince of the House of Lancaster.

Henry, notwithstanding his having been proclaimed king in virtue of his previous oath to marry the princess, and in order to establish his title on a right conformable to the opinions entertained by the leading persons in the kingdom, entertained separate views of power. He proceeded to London, and showed great moderation on his journey, and little military

display. He entered the city amidst the sincere acclamations of the people, although he would not deign to open the carriage, in which he was closely shut, and show himself to the people. In his hatred to the House of York, he artfully postponed his marriage until he was first crowned. He knew that his title to the throne was not only imperfect, but that it was illegitimate, his grandfather being, though highly respectable, no more than a Welsh gentleman, Owen Tudor, who married the daughter of a bastard family of the Plantagenets; and he would have even then asserted the right of conquest, if he could have done so with security. But he resolved on a line of policy which he plotted for the destruction of those whose claims were of a higher and legitimate authority; and this crooked and wicked policy involved him in constant difficulties, all of which he might have avoided by cordially adopting the superior desire of the people,—marrying and crowning at once Elizabeth of York, and thoroughly abstaining from any measure of either injustice or revenge against those who had been connected with the faction or the family of that House.

At his coronation, he created his uncle, Jasper Tudor, Earl of Pembroke, Duke of Bedford; Thomas, Lord Stanley, who had, with his brother, been so instrumental in gaining the battle of Bosworth, he created Earl of Derby, a title which has ever since remained in the family; and Edward Courtenay Earl of Devonshire. He at the same time instituted the yeomen of the guard, being then a troop of fifty archers, but afterwards increased, though they have never constituted a formidable corps.

Henry was seldom, if ever, cruel from revenge ; but when policy dictated, he never scrupled to shed blood. Hatred to the House of York, joined to policy, always led him to commit wrong and cruel acts. He treated his wife with scorn and oppression during her life. The Earl of Warwick was harmless, and rendered, by solitary confinement, nearly imbecile. His murder, for such it was, notwithstanding a nominal trial, was urged on by the spirit which prevailed in the breast of Henry to extirpate the House of York. It was evident to him, that by the commission of that crime, unless the rights, on the maternal side, of the Earl of Suffolk, nephew of Edward IV., of those, also, of Margaret, Duchess of Burgundy, sister of Edward IV., might be considered as valid, the death of the young Earl of Warwick terminated the race of the Plantagenets, or BROOM-STALKS.

The mother of this unfortunate prince was daughter of the celebrated Earl of Warwick, who had been slain in battle ; and, as heir, this young prince was styled Earl of Warwick. He was confined by Edward IV. in Sheriff-Hatton Castle, from whence he was removed to the Tower by Henry VII., who caused him to be judicially murdered, in 1499, at the age of twenty-four years, fifteen of which were passed in confinement, and, according to Stow, "so kept from the society of men and beasts, that he is said not to have known a duck from a hen."

The insurrections fomented and supported by the Duchess of Burgundy in favour of those whom she knew to be impostors, were caused entirely for the purpose of disturbing the power of Henry, in con-

sequence of the injustice and severity with which he treated his queen and the Yorkists. Otherwise, it is probable that the contemptible impostor, Lambert Simnel, would never have been used as a puppet to invade England,—to cause a general revolt in Ireland, and bloodshed in both; nor that another dexterous, but equally obscure young man, well known to the Duchess of Burgundy, as being the son of a Jew, would have caused for some time not only consternation over the kingdom, but even a very general belief in his being the young Duke of York, who had by some mystery escaped being murdered with Edward V. by Richard III.

Both impostors were, it is true, discomfited. The first was sent to the king's kitchen, and kept there as a scullion; the other imposed so far as to obtain, on seeking an asylum in Scotland, the king's relative, the beautiful and virtuous Catharine Gordon, in marriage; but he afterwards was hanged.

The manners of Henry VII. were sullen and ungracious. His mind belonged to a mean, crafty order of intellects. He possessed none of the dazzling qualities of a warlike or chivalrous genius. His expeditions to France, or his feigned preparations for war, and his addresses to his subservient parliament, were no more than *compound* dissimulations to procure subsidies from the commons, and to cajole the King of France and other continental princes. Bacon observed, "that his wars were to him a mine of treasure of a strange ore,—iron at top, gold at the bottom." He during his whole reign supported the Church, and paid deference to the Pope, who by a remarkable bull, in which Henry had all his pretensions intro-

duced, confirmed his title to the throne of England as “*true heir of Lancaster*,”—*of York*, in right of his queen,—of England, by the battle of Bosworth, with the authority of the people, by parliament.” This bull was undoubtedly in contravention of the statutes of *provisors* and *præmunire*; but the Tudors were never obstructed in their acts or conduct by the laws enacted by parliament; and they, especially Henry VII. and Henry VIII., disregarded all constitutional precedents. The first parliament which he assembled reversed all the attainders passed by the preceding parliament against the Lancastrians; and “to satisfy the king’s vengeance,” passed attainders against all the Yorkists, among whom were the Dukes of Norfolk, Earl of Surrey, Lords Ferrars, Lovell, and Zouche; also Ratcliffe, Catesby, and many others. Henry, however, only contemplated the confiscation of their estates, which he, by the diabolical instrumentality of Empson and Dudley, carried into execution; while, inexorable with respect to seizing their money, chattels, and land, he willingly granted the Yorkists a pardon for their lives, when he had reduced them to utter helplessness and poverty.

Henry had, probably, no fixed principles of moral or political duty. His policy was altogether selfish, and in its spirit and action nearly resembled the dark and deceitful perfidy of Louis XI. of France; but with equal duplicity, Henry could thoroughly conceal his thoughts; and being an adept at dissimulation, he made even military preparations, which he never designed for war, and the most vague rumours of terrible invasions, appear as formidable reasons for extorting subsidies from the commons, and for,

taxing the people without the authority of parliament.

The greater number of the barons who had not been exterminated during the reigns of the Plantagenets were in their minority. The few peers whom he created, or raised to higher ranks, were either Tudors, or some of those who enabled him to fight the battle of Bosworth. The commons were irregularly returned for the shires, and the burgesses were far more anxious to sacrifice their constitutional laws, and their political and civil rights, than to renew those domestic strifes and bloodshed, which all experience has proved to have impoverished the country, and consequently to have injured the industry and the commerce of the towns. Besides, since the days of Edward I., it became a notorious usage that the parliament invariably considered that whoever was the king *de facto* was the sovereign *de jure*; and although they often refused or grudged to give subsidies, they seldom in any other proceeding opposed the will of the king.

The sagacity of an ambitious, despotic, and avaricious prince, of far less abilities and forecast than Henry VII., would have enabled him to perceive—that a nation oppressed by and wearied of domestic turbulence—of wars which had divided the whole nation into two factions, fighting and destroying each other for no other cause but that of two rival families, without any regard for justice,—not for the welfare, but for the ruin of the people, would bear a great strain of arbitrary authority and fiscal extortion so long as they felt the benefits of peace in the country and tranquillity in the towns.

This sentiment, which became deeply rooted in the national mind, appears to have been, during his whole reign of twenty-four years, from 1485 to 1509, constantly held in view by Henry as an element upon which he based a confidence, while exercising the most irregular and arbitrary acts. He therefore seized absolute possession of the crown without submitting his right to the approbation of parliament; and he married Elizabeth of York afterwards merely because he was convinced that the people either openly or in silence considered her right to the crown superior to his own.

Avarice first, and, secondly, the lust of power, were the ruling passions of this king. He never, it is believed, communicated his views or resolutions to any person, with the exception of Moreton, Bishop of Ely, who was afterwards Archbishop of Canterbury and a cardinal,—and of Fox, Bishop of Exeter, whom he translated to Winchester, until he had resolved to act; and then he gravely ordered the instruments of his tyranny to execute his commands with inexorable rigour.

His parliaments never represented the people. *The sheriffs, appointed by him, were men chosen for the purpose of doing all that was desired by the KING.*

It was rare that those sheriffs did not manage to send to the House of Commons members who would agree to do that for which, almost solely under the Tudors, they were summoned to parliament, namely, to grant subsidies to the king. This was pre-eminently the practice during the reign of Henry VII. But these grants were far from being sufficient for

the insatiable passion for hoarding, which overruled all principles of honour and justice in the administration of this royal miser. He invaded France, with no intention, nor any desire to make conquests; and he made peace on no apparent ground but to obtain 50,000 livres a year from the King of France. In order not to restore the dowry given by Ferdinand the Catholic, to his daughter Catharine, on her marriage with his son Arthur, on the death of that prince, Henry obtained a dispensation from the Pope, and married her to his son, afterwards Henry VIII. It is said that he did not expend one-fourth of the money granted him, exclusive of the moneys acquired, as Bacon observes, "by far-fetched accusation, particularly forfeitures upon penal laws." The first victim was Sir William Capel, a London alderman, who was fined 2700*l.* for some trifling accusation, and he compounded with the king for 1600*l.* This was a successful beginning to further enormities. Although Henry was remarkably complacent to the ecclesiastics whom he employed as his councillors and ambassadors, and generally in civil affairs, in preference to the temporal barons, it was his practice frequently to translate bishops from one see to another, in order that he might grasp the first fruits. He, in regard to a proposed crusade and an aid in money, cajoled one of the most able, vigilant, and crafty of the Popes, Julius II. He renewed the extortions called benevolences, which the parliament of Richard III. had declared illegal by statute. He seized the estates of the dowager queen, his mother-in-law, and confined her in a monastery.

In utter disregard of the Magna Charta, he re-

vived the iniquitous extortion of forcing wards to pay large sums, on attaining their majority, before they were allowed to possess their estates. Friends, as well as foes, were, if wealthy, taken advantage of. To none was Henry under greater obligations than to his general, the Earl of Oxford. A law was passed against the barons or landholders keeping retainers. The earl gave a banquet to the king, who, observing an unusual number of servants and well-dressed persons in attendance, the earl confessed that many of them were his retainers. "By my faith, my lord," exclaimed the king, "I thank you for your good cheer, but I must not allow my laws to be broken before my face. My attorney must speak to you." Oxford paid, it is said, 15,000 marks for his ostentation.

To possess riches was, in Henry's mind, a justification for confiscation, or even death. Stanley, Lord Strange, brother of the Earl of Derby, and Henry's chamberlain, had carelessly said to the infamous Clifford, that, if he really believed that Warbeck was the Duke of York, he would not fight against him. Clifford, who was in exile, was invited over from Flanders to accuse Strange. He was accordingly tried on the above vague charge, condemned and executed, and his estates and property confiscated to the king. Two notorious, reckless, and perjured instruments of tyranny, Empson and Dudley, both lawyers, were sent forth over the land to prosecute on "far-fetched accusations," based upon the penal laws.

All who had, however loyally, been under arms, or who had in any way aided the Yorkists, or who

had risen with that faction, were hunted out, and spies and informers were employed all over the kingdom by the brutal Empson and the hypocrite Dudley. Their practice was for some time to indict and imprison all those Yorkists who had wealth; none else were molested. There was then no Habeas Corpus law; and those imprisoned were generally kept in confinement until they compounded for the crimes alleged in the indictments. These fines, or ransoms, were called *mitigations* and *compositions*. The success of Empson and Dudley was great, and they became so far elated that they dispensed with the forms of indictment, and summoned the accused personally before them, or had them at once arrested, and brought to the houses of either Empson or Dudley, in the Temple, where they were convicted by a sham court of commission, and fined in penalties seldom less in amount than the whole value of their property.

Juries were sometimes empannelled; but it is recorded that in every instance they were browbeaten by Empson into a verdict against the accused. Such and all other irregular convictions were immediately followed by outlawry, from which there was no relief but by a *charter of pardon*, on the payment of a heavy *mitigation fine*. If this fine was not forthcoming, the property of the accused was sequestered; besides which, and without any shade of legality, the penalty of outlawry included the half of the value of landed estates for two years. No one accused could escape those oppressors unless they were poor, and the whole nation became discontented. But there was no attempt at rebellion, with the ex-

ception of two insurrections. The first, a formidable rising in the northern counties against the taxes and extortions. The insurgents attacked the Duke of Northumberland in his house, and put him to death. This insurrection was in a short time suppressed by the vigorous activity of the king, and the ringleaders hanged. The other was an insurrection begun in Cornwall, and suppressed by a battle on Blackheath. Some unimportant risings in other parts were little more than riots. The people were discouraged, and suffered with passive obedience, until death ended the reign of the king, who left 1,800,000*l.*,* an incredible sum of the money of that age, locked up by his own hand in his coffers within his palace at Richmond.

During this reign of nearly twenty-four years, there were fought within the kingdom, first, the battle of Stoke, in which the Earl of Lincoln, nephew of Edward IV., Lord Lovell, Sir Thomas Broughton, and Swarte, the Duchess of Burgundy's general, were slain, Simnel taken prisoner, and about four thousand killed; second, the attack of the Kentish troops on those of Warbeck, many of whom they killed, and captured about one hundred and fifty, who were executed by the king's command; and lastly, the battle of Blackheath against the Cornish insurrectionists, in which Lord Audley and two other leaders were captured and afterwards executed. The war with Scotland could scarcely be considered more im-

* 1,800,000*l.* was at least equal, in the value of labour and commodities at that time, to 18,000,000*l.* sterling of the present day.

portant than mere skirmishes and repelling predatory descents. The attempts to revolutionise the kingdom by the faction who joined the impostors, Simnel and Warbeck, and the forces sent to Brittany and by the inlet of Calais to France, were all of so temporary a duration, that the English people enjoyed, during nearly the whole of this severe reign, the blessings of peace; and from the vigilance of the monarch, a degree of tranquillity and protection in the pursuits of industry and commerce unknown in England since the Norman conquest.

Avarice, and the lust of power, were alone the passions which rendered Henry a despot. But he may be said to have been the sole oppressor; while before his reign every baron in the kingdom was a tyrant under the force of the feudal laws.

The temporal barons or nobility were reduced by the civil wars from *fifty-three*, which answered the parliamentary summons of Henry VI. in 1451, to *twenty-nine*, who attended thirty-four years afterwards the parliament of Henry VII., in 1485; and some of the latter were recently created. It may also be remarked, that under Henry there fell in battle, or were exiled, several barons.

The temporal peers were, therefore, as well as all the aristocracy, not only enfeebled as a legislative assembly, but they were rendered powerless by the king's absolute authority. The prelates, especially Moreton and Fox, were servile, yet able servants of the crown; and it need scarcely be observed that the hierarchy has never been favourable to civil and political liberty, or to intellectual and religious freedom.

We at the same time readily admit that, from the period, 590-604, when Gregory the Great* established the Western Church at Rome, and by its chants, its ceremonials, and its dramatic as well as its moral and mystical attractions, soothed the passions, mitigated the ferocity, inspired the veneration, and chastened the piety of savage nations, and especially from the days of Gregory VII.,—that is, first, from the beginning of the sixth to the eleventh century,—and afterwards to near the end of the sixteenth century—ages in which the nations of Europe were all uneducated, and during which the Roman-Gothic laws first, and the feudal system afterwards, prevailed in their most absolute force, the hierarchy, which bound under its authority all the states of Christendom, constituted the only power which restrained the tyranny and oppression exercised by the temporal princes and barons of Europe.

But after the time when knowledge became accessible through the agency of printing; after the true principles of astronomy had supplanted the superstitions of astrology; after the obscure and mystical philosophy of the schoolmen was invaded by the vigorous daring of rational intellects and bold hearts; after the invention of the mariner's compass; and after the discovery of America, and the passage by sea to India, had all opened vast regions

* The Patriarch of Constantinople, or of the Greek Church, arrogated the title of Universal Bishop or Pontiff as successor of St. Peter. Gregory the Great considered that title Antichristian, and he assumed only the titles of Bishop of Rome, Primate of Italy, and Apostle of the West. He may, however, be considered to have instituted the Liturgy and *Ordo Romanus*, including the *Sacramentarius* and *Antiphonarius* of Gregory. The mass and chants have preserved the vocal and instrumental music of the Romans.—FLEURY, *Hist. Eccles.* SIGONIUS, *De Regno Italiae.*

for knowledge and for enterprise, and fresh and inexhaustible sources of profitable adventures, a bright and magnificent era began to dawn over Europe, which first loosened many of the shackles of feudal and spiritual slavery.

In England there was neither civil nor religious liberty during the reign of Henry VII. But laws were passed, and events occurred, which ultimately contributed to develop and secure popular freedom. Henry, unless it were in his hatred to the Yorkists, scarcely ever punished any one in revenge; but his crimes and oppressions were all cold acts of *polity* or avarice. He was ever vigilant in his government, and laborious in his affairs. He was never allured from his purposes or his business by pleasures or affections. He possessed cunning rather than sagacity. His humanity to rebels and captives was selfish rather than magnanimous. He was seldom excited or carried away from his serenity—never distracted in his affairs by any of the usual passions of tyrants; and the tranquillity of his mind and countenance appear to have been as unmoved in the battle-field as in his cabinet. When he found his health undermined, and death approaching, the terrors of futurity, and the horrors of his crimes, drove him into repentance, and he ordered reparation to be made to those whom he had oppressed, and a general pardon to be granted to all who were unjustly attainted or accused of disloyalty.

He professed to encourage industry, commerce, and navigation, but seldom at the expense of his treasury, and his commercial legislation was falla-

cious in its construction and pernicious in its effects. The Cabots, under his commission, explored a great part of the coasts of North America: they were not rewarded, and their discoveries were neglected. It must, however, be admitted, that he honourably paid his private loans, and that he sometimes lent merchants, without interest, sums necessary to carry into effect certain adventures. He also built the first ship of the royal navy, a vessel of about 1000 tons, called the *Great Harry*, before which time merchant-vessels were seized, and with those furnished by the Cinque Ports, which were also trading vessels, constituted the fleets for maritime expeditions, or for guarding the coasts. His regulations with regard to the policy of the kingdom were severe, but they were also necessary for the maintenance of order. He instituted a high authority in the Court of Star Chamber, and its utility at that time is extolled by Lord Bacon; but even during the life of that great authority, its arbitrary jurisdiction was found inconsistent with justice and civil liberty; and it never ceased to be considered as a most odious and oppressive tribunal, until it was finally abolished by the Long Parliament in 1641.

Among the laws passed in this reign, it was declared criminal to carry off women by force. The benefit of clergy and the protection of sanctuary in churches were greatly abridged. Sheriffs were ordered to summon persons to the court before fining them. The poor were allowed to sue *in formâ pauperis*. Suits of murder were to be brought forward within a year and a day. Several statutes against barons keeping retainers were enacted; those

retainers being declared vicious idlers, ready to commit any violence directed by their barons.

A severe game law was enacted. A law was passed to punish priests for adultery and fornication; standard weights and measures were ordered to be used in every market town; and deeds of gift to defraud creditors were declared void.

A great change was effected in regard to landed property, which nearly extinguished the whole feudal system of the kingdom, and tended chiefly to increase the future power of the commons. This change was caused, first, by the confiscations under the penal statutes; and second, by the statute,* which enabled the barons to break their entails. It appears to have been from the first the policy of Henry to humble the nobility and to exalt churchmen and lawyers, both of whom were made dependent on his authority.

Had Henry VII., as he reduced the nobility, the power to prevent the commons rising higher; that is, could he, in diminishing the estates of the lords, have prevented lands from being purchased by those of the people who had acquired money to pay for them,—the balance of the government would have been lost,—for more than one age the liberties of the English nation would have been extinguished, and the government would have become a royal despotism. The powers, in all former reigns, which restrained the exorbitant exercise of prerogative by the king, were the barons and the prelates. Henry VII. prostrated the strength of the first; Henry VIII. destroyed the authority of the second.

* 4 Henry VII., cap. 24.

REIGN OF HENRY VIII.

The only surviving son of Henry VII. succeeded his father at the age of eighteen years. The English nation exulted in the death of the father, and rejoiced in the accession of a son, who was the undisputed legitimate heir to the throne. But the English were then, like the people of all Europe, in the condition of Montaigne's epigrammatic sentence, "a beast which each king rode in his turn."* This, at one time general truth, was applicable to the people of England under all the Tudors, and, it may be said, all the Stuarts. The bishops of Rome, however, always asserted the right to ride, and generally, with their prelates and priests, did ride over all the princes and people of Europe, until Martin Luther, from being a disappointed monk, was first led to question the Papal authority, and then, by the boldness of his language, reasoning powers, and enthusiasm, animated and persuaded the Germans to overthrow the hierarchical nightmare, under which they had been degraded since the days of Charlemagne and Gregory VII., and until the lust, extravagance and pride of Henry VIII. denounced and overthrew the supremacy of the Pope, and confiscated the estates and riches acquired in England by the Church and monasteries since the days of St. Augustine.

The reign of Henry VIII. is remarkable as the culminating height of English monarchical despotism. It involves great subjects for inquiry:—

* "Le peuple est une bête qui chacun mont à sa tour."

1. His inpolitic and fruitless expeditions to Fontarabia and France, as memorably instructive to a British statesman, by showing the folly and wickedness of our wars on the continent of Europe.
2. The power of the crown over the parliament, which rendered its meetings an event of dismay to the people, who by experience had found it to be the king's instrument of justification for his most arbitrary acts.
3. The subversion of the Papal supremacy, and the confiscation of the monastic estates in England.
4. The effects of the acts of Henry on the subsequent progress of England.

Henry succeeded to an immense treasury and a tranquil kingdom. He squandered the first, and, during a great part of his reign, he unsettled the peace of the latter. For some years after his accession, when satiated with the pleasures of sensuality or of field sports and manly exercises, he often retired to the contemplative study of literature and philosophy, and to the soothing as well as exhilarating performance of music, in which he was so far a proficient that he had composed two masses. He was erudite in the philosophy and theology of the age: that is to say, in the solemn obscurities of Thomas Aquinas, the Aristotilean philosophy, and the mysteries of the canonised Church writers. He was at the same time devoted to the hierarchy and to the form of worship which bestowed on his father-in-law the distinction of Ferdinand the Catholic. He lived with his queen without any conscientious scruples, as to her having been his brother's wife; and though he became indifferent to her, personally, from the decay of her beauty, if she ever possessed

that fascination, and from the disparity of their ages, she being six years older than himself, he did not for many years determine on a divorce, in order to marry a second wife; but he, at the same time, was not checked, either by the delicacy of virtue, or by his marital vows, from the indulgence of licentious infidelities. He was in person handsome, and in his manners and speech joyous and courteous. In manly exercises,—in hawking, in the tilt and tournament, he was active and expert. He was ardent, vehement, profuse, and, with all those accomplishments and qualities, remarkably popular.

He for some years retained most of his father's ministers, amongst others the frugal, grave, and safe Bishop of Winchester, and the courtly, pliable, and dangerous Earl of Surrey. They were afterwards supplanted by the most gorgeous and magnificent prelate of this or any other age—the obscurely-born, the successful courtier, the ambitious churchman, the haughty minister, the intriguing diplomatist, Thomas Wolsey.

Early in this reign, popular, yet illegal and unjust punishments were inflicted, which are instructive in showing the evil tendencies and consequences of bad measures, laws, and precedents. Whenever the people have been harassed and oppressed, the popular sentiment will, perhaps always, engender hatred to the most immediate, although it will also extend to the original oppressor. Even at the present day, the populace, in most countries, would lament the death of a smuggler, if hanged for breaking the laws; while it is probable they would rejoice

at the hanging of an exciseman or bailiff, who executed those laws.

Henry began his reign with the rash determination of being a popular king. A proclamation was issued, inviting complaints against the informers and oppressors of the preceding reign. The populace broke forth into open rage against all the instruments of Empson and Dudley. Those executors of arbitrary authority and of a detestable practice, who had merely acted according to the commands of the king, were imprisoned, condemned, pilloried, and most of them killed, by popular violence. Empson and Dudley, although undoubtedly unprincipled agents and perfidious lawyers, and, morally, among the worst characters in the nation, were suddenly arrested and tried, and then convicted by a jury, evidently awed by the court, and swayed by popular animosity. They were accordingly executed under a fatal precedent, by an attainder in parliament confirming the sentence of the jury. This procedure by attainder, often repeated afterwards, exhibits the subserviency and iniquity of parliament, *which estate* had become the oppressor and tyrant, instead of the representative and defender of the people.

Henry was soon after induced, by martial vanity, and by the perfidy of his father-in-law, to enter upon a course of mischief and calamity to England,—that of intervention with the affairs of foreign states. Louis XII. of France, who had been excommunicated by the Pope, continued his wars in Italy. Ferdinand the Catholic disputed with Charles the kingdom of Naples. The Pope and the emperor were then engaged in both armed and spiritual warfare.

Julius II., however, for his own aggrandisement, brought them so far to agree, that they suspended their animosities, and formed the perfidious league of Cambray, for the pretended sole purpose of subduing the Venetian power. This iniquitous and false alliance was signed by the Pope, Maximilian, Ferdinand the Catholic, and Louis XII. Henry, without any rational or even ambitious inducement, joined the confederacy, and the republic of Venice was assailed by all the great princes of Europe, excepting the Sultan; who, notwithstanding his frequent unsuccessful contests with the Venetians, scorned with magnanimity to join that scandalous and hypocritical conspiracy. Julius having succeeded in prostrating the Venetian power on continental Italy, determined to drive both the French and Spanish powers back to the north and west of the Alps. Ferdinand and Louis XII. renewed their hostilities, and Henry VIII. was cajoled to send forces into Fontarabia, under the delusion of recovering Guienne and the old possessions of the kings of England in France. But this expedition proved only favourable to the political views of Ferdinand, and, notwithstanding several victories, all the subsequent armaments sent from England to France were only attended by great losses and enormous expense to England. Henry's wars against Scotland were more decisive; and the King of Scotland, with those called the flower of his nobility, fell in the battle of Flowden. Peace with France was concluded in 1514, by a treaty, most of the stipulations of which were never fulfilled, and Louis XII. died the following year.

On the wars of England against France the his-

torian of this reign* makes the following judicious remarks ; which, if they had been ever afterwards instituted as a constitutional policy on the part of England, would have formed, probably, the greatest political blessing ever shed over the nation.

“If,” says Lord Herbert, “when all Guienne, Anjou, Touraine, and (for a long time) Normandy, was ours, and when the Duke of Bretagne was our friend, and the House of Burgundy an assured ally and confederate, we yet could not advance our designs in France, what hope is there now to attain them? Let it be even granted, that as many battles as we have fought against the French were almost so many victories, what was this kingdom the better for them? Had we ever a more glorious time than that of King Edward III., and was yet the country then ever more poor or weary of the wars? You will, in our records and histories, find, that the kingdom was then much exhausted of its treasure” (he might have added, also of its men), “and shall we trust now to better days? What though, with our twelve thousand or fifteen thousand men, *we* have often defeated their armies of fifty thousand or sixty thousand, stands it with reason of war to expect the like success still? especially since the use of arms is changed, and for the bow, proper for men of our strength, the caliver or handgun begins to be generally received; which, besides that it is a more costly weapon, requireth a long practice, and may be managed by the weaker sort. Let us, therefore, in God’s name, leave off our attempts against the Terra Firma, as the natural situa-

* Lord Herbert’s Life of Henry VIII.

tions of islands seem not to suit with conquests of that kind. Or, when we would enlarge ourselves, let it be that way we can, and which it seems the eternal Providence has destined us, which is by sea. The Indies are discovered, and vast treasure brought from thence every day; let us, therefore, bend our endeavours thitherwards, and if the Spaniards or Portuguese suffer us not to join with them, there will be yet region enough for all to enjoy."

After the English withdrew, disgusted, from Fontarabia, Henry fell under the influence of a minister who flattered all his passions, and became, consequently, the most agreeable as well as the most dangerous of courtiers. France was invaded in 1513, by the inlet of Calais, with an army of fifty thousand men, and Henry was elated by gaining the *battle of the spurs*, and mortified by the continued perfidy of Ferdinand and the insincerity of Maximilian; and after taking Tournay, the rich bishopric of which was given to Wolsey, Henry, with the greater part of his army, returned to England. On the 7th of August, 1514, he concluded a peace with France.

After this peace, he became apparently friendly to Francis I.; but vacillating from and towards that prince, by the more flattering hopes held out to him by Charles V., who honoured England with a visit before Henry left to meet Francis at the brilliant tournament and gorgeous displays of the field of the Cloth of Gold, held on the plains of Picardy. Charles, when he became emperor, involved Henry, some years afterwards, in a short war, which ended in the invasion of France, the expenses of which drained England of more than a million of the money of that

age, equal to ten millions of that of the present day. This expensive, and in all respects impolitic, war, was terminated by a treaty of peace concluded in 1527, by which Henry renounced all claims to France, and Francis I. engaged to pay fifty thousand crowns a year to Henry and his successors. This peace continued until 1544, when Henry, in consequence of aid given to the Scotch by France, declared war against the latter, and allied himself to, and was duped by, the emperor. The English campaign in France, in 1544, was accompanied by Henry and the principal nobility; but finding himself deceived after taking Boulogne, he raised the siege of Montreuil, and, disgusted with the emperor, he returned to England. Two years afterwards he concluded peace with France and Scotland, which terminated his vainglorious, impolitic, extravagant, yet popular continental wars.

These wars were not, however, the leading events of this turbulent reign. His tyranny, his lusts, vanity, and other passions, were productive of far more conspicuous acts and effects.

His passion for Anne Boleyn; his quarrels with the Pope; his divorce from Catharine of Aragon and from Anne of Cleves; his assumption of the supremacy over the Church; his attempts to compel all his subjects to worship according to doctrines which he dictated;—the prosecutions, state trials, and executions, including those of two of his queens; the dissolution of monasteries; the confiscation of their property; and the miscellaneous affairs of the kingdom, occupied the remaining twenty years, from 1527 until the death of Henry VIII. in 1547, after a reign of nearly thirty-eight years; the most arbitrary

and illegal that was ever administered by the royal authority in England.

There are many circumstances involved in the transactions of this eventful reign which are especially worthy of the attention of those who would comprehend the traditional as well as historical strength of the elements of which the constitution of England are constituted. The most *severe ordeal* which endangered the laws and statutes upon which the liberties of England are founded, was undoubtedly the reigns of Henry VII. and Henry VIII. Those sovereigns, in the practice of their government, utterly disregarded those laws and statutes; but arbitrary and despotic, arrogant and haughty, as the two first Tudors were, they never *dared* to proceed so far as to propose to parliament a repeal of the statutes confirming the Magna Charta, or the 25th and 34th of Edward I., or the many other statutes which were then, and continue to this day, necessary and favourable to the security of true liberty. Therefore, while those laws stood as the registered parliamentary elements of the constitution,—although invaded, and kept in abeyance, were not destroyed; and they remained undisputable authorities for reference, and for right, when the English nation became prepared—by intelligence, by wise men, and by fortunate events, to re-assert their liberties.

Henry summoned ten parliaments during his reign. The whole number sat twenty-three sessions; and in all, the whole period of sittings, including Sundays, was for 1276 days, but, if Sundays and Saturdays be deducted, only 912 days, or on an average about forty days each session. Never were there assemblies

so mean in their subserviency. The parliament during the Tudors was nearly in that state of which Speed says: "If the nobles were formerly possessed of an immoderate power, and the monarch had found the means of abusing them by taxing the people, the point of extreme servitude must have been that between humbling the nobility, and that in which the people began to feel their power."*

Speaking of the commons, at this period, a writer, who appears to have been a laborious inquirer, observes: "They who had hitherto been unused to treat with their kings but by the mediation of the great lords, being now pushed into the presence, were half discountenanced in the eye of majesty, and durst scarcely look up to the throne, much less dispute the prerogatives with which such awful princes were thought to be invested."†

There is not a more just observation in Bolingbroke's writings, than "that the absolute power which Henry VIII. exercised over the purses, lives, liberties, and consciences of his people was due to the entire influence which he had gained over the parliament."‡ At that period of English history, the nation had, for a time, sunk into a political state resembling that which was prophesied by Montesquieu in the last century. "*England*," said he, "*will lose her liberty, will perish, when the legislative power shall become more corrupted than the executive.*"§

It has been frequently urged that the parliaments of Henry VIII. stood on their rights, by refusing to

* Speed, 2, b. xix., c. 27.

† Hurd's Mor. and Pol. Dial., p. 21.

‡ Remarks on the History of England.

§ Esprit des Loix, liv. xi., c. 6.

grant the king the enormous subsidies which he demanded to defray the expenses of his extravagance and his wars. It is true they twice refused a part of those subsidies. Let us inquire how far they acted on this constitutional principle. From his first parliament he had no occasion for money, his father's treasures not being expended; and that parliament framed some good laws and one very bad one, the act of attainder. The parliament which assembled in April, 1512, granted him a subsidy and general poll-tax, the latter varying from ten marks on a duke down to fourpence on every one above fifteen years of age, not worth forty shillings. In 1522, Wolsey, as chancellor, extorted a heavy and forced loan without the consent of parliament, but the general discontent and difficulty of collection rendered the amount insufficient. The parliament, assembled in 1523, was requested to grant the largest subsidy ever demanded; the commons only granted a part of it, which called forth the indignation of Cardinal Wolsey, who had previously demanded and received from the convocation of the clergy a subsidy of half of the ecclesiastical revenues. When he demanded from parliament a subsidy of 800,000*l.* in four annual payments, he was, it is true, refused the whole, but he received nearly three-fourths; and then the commons having, in obedience to the king, passed the act of attainder, under which the Duke of Buckingham was executed, were not again summoned for seven years.* Meantime the king, aided by the cardinal, levied in *one year* all he had demanded.

* It appears that the sum granted was voted under the horror inspired by Henry's arbitrary conduct. Hume observes — "That

The same parliament, however, agreed to the other measures proposed by the king; and empowered all who attended him in his wars to dispose of their lands by will, without paying fines of alienation to the crown. The act founding the College of Physicians, and one allowing the Six Clerks in Chancery to marry, were also passed the same session.

On the following year, Wolsey, in the haughtiness of his power, having received the king's full authority to levy taxes, resolved to proceed without any sanction from parliament; and in the king's name he issued commissions to levy one-fourth of the goods of the clergy, and one-sixth of the goods of the laity. This illegal proceeding nearly caused a general rebellion. The king, by proclamation, to appease the nation, denied his having authorised the commissions, and said he demanded nothing by force, and only requested a *benevolence*.* This artifice was resisted by the citizens of London; and in consequence of an insurrection, which showed to some extent the feeling of the country, Wolsey abandoned for that time his project, although he excused himself by art-

when Henry VIII. heard that the commons made a great difficulty of granting a supply that was required, he was so provoked that he sent for Edward Montague, one of the members who had a considerable influence in the house, and he being introduced to his majesty, had the mortification to hear him speak in these words: 'Ho! man, will they not suffer my bill to pass?' And laying his hand on Montague's head, who was then on his knees before him—'Get my bill passed by to-morrow, or else to-morrow this head of yours shall be off.' This cavalier manner of Henry succeeded, for the next day the bill passed.

* We are told by Hall, p. 48, "That Cardinal Wolsey endeavoured to terrify the citizens of London into the general exaction in 1525, and told them plainly that it were better that some should suffer indigence than that the king at this time should lack; and therefore beware and resist not, nor ruffle not in this case, for it may fortune to cost some people their heads." Such was the style used by this king and his ministers. See also COLLINS'S *British Peerage*. GROVES'S *Life of Wolsey*.

fully declaring that, although he had not the authority of the king, he was supported by the opinion of the judges.

Parliament did not meet again until 1529; and both in the lords and commons Cardinal Wolsey was tried and condemned for crimes, but of high treason only by the lords. Sometime after the death of Wolsey, the king having received a large amount of money for granting a pardon to the clergy by relieving them from the penalties of *præmunire*, he deferred summoning a parliament until January, 1532, when the session commenced by the commons showing a pliant disposition towards the king's policy of humbling, and even ruining, the ecclesiastics, but relieving them at the same time from paying *annates* and other tributes to the Pope. This parliament was prevented from proceeding further in any business of importance in consequence of the plague breaking out in London; but it re-assembled in February, 1533, and framed a statute against appeals to Rome on pain of *præmunire*. At the same time, on the death of Wareham, Cranmer, then absent in Germany, was appointed by the king, without any reference to the Pope,* Archbishop of Canterbury. The parliament, which met on the 15th of January, 1534, passed a law repealing the act for burning heretics, so far as that those accused should only be tried, not by the canon law, but by the civil tribunals. Another act of great importance, dictated by the king, empowered him alone to summon convocations, and to appoint fifteen members of both houses of parliament to examine the

* The usual bulls were, however, obtained from Rome; but they were the last in this reign.

canons and constitutions of the church, with power to confirm or abrogate such as they thought fit. An act of attainder was also passed against the nun, Elizabeth Burton, styled the Holy Maid of Kent, who with her accomplices were all executed at Tyburn. Before this submissive parliament rose, statutes were passed abolishing the payment of *annates* to the Pope; and enacting that the Pope should have no appointment of bishops or to benefices in England; but that they should be elected by *congé d'elire* from the king, to whom the bishop elect was to swear fealty; and if he should refuse, to be declared guilty of the penalty of *præmunire*. It was also enacted that the Archbishop of Canterbury, at the king's recommendation, should consecrate the bishop elect; and that all persons should abstain from appealing to Rome for bulls, or other licences. Peter pence were also abolished.

From this period we find the lords and commons no more than instruments used by the king to legalise his dictations; and Rapin's observation was thoroughly verified, "that parliaments met in this reign merely to be instrumental in gratifying the king's passions, without even examining the motives or consequences of what he required of them." This remark applies with strict justice to each session of parliament, which met from 1523 to the end of the king's reign in 1547.

If the king, in his anger, determined not to spare any man, the parliament never failed to gratify him by passing a bill of attainder; and under that arbitrary authority, the infamous, but illegally condemned, Empson and Dudley; the Duke of Suffolk, whom

Henry VII. intended to execute as the last of the House of York;* the Duke of Buckingham,† Elizabeth Burton and her accomplices, Cardinal Fisher, Sir Thomas More, Aske, and Lord D'Arcy, the six Kildares, Lord Cromwell, the Earl of Surrey, and some others, were executed. The Duke of Norfolk only escaped by the king's death.

If Henry determined not to spare any woman in his lust, the parliament readily acquiesced in divorcing his queens, or in executing them in order that the king might gratify his passions. In accordance with this obsequious legislation, two of his queens were divorced and two were beheaded. If he decided that no man should believe or utter any religious sentiment or doctrine, except those which the king dictated, the parliament humbly passed the act of the six bloody articles, by which those who expressed dissent were burnt alive. If the king declared his supremacy over the Church, the parliament legalised the assumption. If the king desired the gold, silver, plate, images of precious metals and stones, lands, and other property of the monasteries, the parliament acquiesced, flattered the king, and the treasures came pouring into the royal coffers, and the lands were either given or sold at low rates to favourites or flatterers. If the king contracted loans, the parliament not only exempted him

* The Duke of Suffolk was executed in confirmation of an instruction said to have been received by Henry from his father Henry VII., who had left the duke prisoner in the Tower.

† The Duke of Buckingham may be considered a victim to the ambition of Cardinal Wolsey, of whom the people said, it was no wonder a butcher's son should like shedding blood. The duke was first beheaded, and the attainder by parliament was passed by the session which followed, which also passed the act empowering the king to repeal attainders on his own authority.

from the payment, but even ordered those whom he paid to refund the sums they had received. If the king conceived that the colleges, hospitals, and other corporate institutions should be dissolved, and their estates and effects invested in the crown, the parliament, in servile courtesy, legalised the plunder. If the king desired that his proclamation should have the force of laws, the lords and commons voted and kneeled in obedience to the royal mandate. Finally, if passion, caprice, prodigality, or injustice dictated the king's pleasure, the lords readily acquiesced in the royal demand, and the commons were even more subservient than the lords.

With respect to the subversion of the Papal supremacy in England, that bold and hazardous act was originated by Rome not complying with the king's aversion to Queen Catharine; and his impatience and temper was excited beyond control by his passion for Anne Boleyn. The dispensation of Julius II. had legalised and consecrated the king's marriage with his brother's widow. Marriage in the Romish Church is a holy sacrament, not a civil contract; and the successors of Julius refused to authorise a divorce. This refusal, and the opportune yet accidental advice of Cranmer, to refer the dispute to the universities, and the success of that reference, were the real causes of Henry's quarrel with Rome, of his denying the Papal superiority, and of his usurping the supremacy over the Church of England, before its creed, or its ceremonies, or its constitution, were changed. Henry's religious scruples had evidently no influence over him, otherwise he never would have, at one time, written "The Defence of the Faith," nor have

declared and burnt as heretics those who dissented from the Romish doctrines of the act of the six bloody articles. Nor must it be overlooked, that although he passed laws against any appeals to Rome, he received bulls from the Pope; especially those which facilitated the placing of the Lutheran Cranmer in the archiepiscopal see of Canterbury; and he received Wolsey as the Pope's legate and as a cardinal; yet, after the death of that prelate, Henry punished the whole clergy by penalties under the statutes of *provisors* and *præmunire*, for having acknowledged Cardinal Wolsey; and he received 100,000*l.* as a fine for a pardon from the province of Canterbury and the humble submission of the province of York. He also received the most humiliating surrenders from the mitred abbots and friars, whose abbeys and monasteries were dissolved. Finally, he ordered the Bible to be translated and printed, and retained and protected Cranmer until the last hour of his life, knowing him to be a Lutheran. Yet the service and the doctrines of the Church of Rome were scarcely changed during the reign of Henry VIII.; nor was the act repealed which enacted, that every person should be burnt or hanged alive—1. *Who by word or writiny denied Transubstantiation*; 2. *Who maintained that communion in both kinds was necessary*; 3. *Or maintained it was lawful for priests to marry*; 4. *Or that vows of chastity may be broken*; 5. *Or that private masses were unprofitable*; 6. *Or lastly, that Auricular Confession is not necessary to salvation.**

* These articles were drawn up by Bonner. Cranmer argued three whole days against them. Henry, however, approved of them; so did

The confiscation of the estates, and of the gold, silver, and other movables, and the dissolution of the monasteries, were followed by some real grievances; but soon afterwards those violent acts led to the most beneficial consequences. The spoliation was begun under the authority of the Pope, by Wolsey, in order to create a sufficient foundation for a magnificent college, to be called Cardinal College, and a large grammar or preparatory school, at Ipswich, both instituted by that prelate, but afterwards seized by Henry. But the first was merely the pillage of a few superfluous religious houses, for the inmates of which there were abundant accommodation and subsistence in the numerous larger corporations. The dissolution of the monasteries was afterwards executed with, no doubt, numerous cases of harshness, in respect to many pious and virtuous persons, of both sexes, who had entered those establishments as asylums of devotion, peace, and security. The king had two great objects in confiscating the monasteries. The first was, to extirpate the monks, who swarmed in all parts as the drones of the nation. They were the most artful and insidious enemies to the king's innovations, and being distributed in each county of the kingdom, and in immediate communication with the common people, they were constantly, yet in the most private manner, animating the hopes, while they exaggerated the fears, of the ignorant and bigoted, in order to cause a general spirit of resistance against the king, his acts, and his minister. Henry,

the peers, and they passed merely *pro formâ* through the commons. Not one of the twenty-eight mitred abbots in the lords opposed this law, usually called the six bloody articles.

therefore, on this ground, as well as on that of a more unworthy policy, resolved to extirpate all the corporations of friars. Nor did he fail to include those which were instituted as convents for women.

The object which most thoroughly actuated him in carrying into execution this monstrous pillage was, the enormous wealth in land, gold, and silver of those corporations; and which he hoped, or which he at least professed, would enable him to forego asking any further subsidies from parliament, or extorting benevolences from the people. A frugal economist like his father would have easily reduced such a profession into a practical and realizable fact. But his father would not have dared to have either initiated the plunder, or to carry it into execution. Henry VIII. was supported by Cranmer and Cromwell, who silently, however, entertained different views from the king. They merely looked on the demolition of the monasteries as removing an insuperable obstacle to the progress of the Reformation. Notwithstanding two formidable rebellions, caused chiefly by the suppression of the lesser monasteries, and the appointment of Cromwell, who was called by the insurgents "base born," as the king's viceroy, and who issued the first proclamation which publicly set forth the king *as supreme head, under Christ, of the Church of England*, all the monasteries were suppressed by parliamentary, that is to say, the king's, authority, in 1536, 1537, and 1538-9.* The

* The rebels, who were commanded by Aske and Lord d'Arcy, would have defeated the Duke of Norfolk, the king's general, if a river which separated them had not been rendered impassable by a heavy rain. Henry issued a proclamation to the insurgents, in which he told them "that they ought no more pretend giving a judgment in

rents, gold, silver, precious stones, plate, and goods of all kinds, were granted to the king.

Those confiscations were ordered after visitations were instituted under Cromwell, as visitor-general; and although there is no doubt that the reports of the visitors, on the licentiousness both of the monks and nuns, have been grossly exaggerated, there was abundant proof of the most debased morals having prevailed within the walls of those unnatural, and for a long period pernicious, societies. But their suppression was a dangerous, though successful spoliation. There were, according to the best accounts, spread over the kingdom, in the richest valleys and plains, 1041 *religious* establishments, of which an account of the rental of 653 is preserved. There were ninety collegiate churches of monks, with their wardens, deans, provosts, and masters; 2374 chantries endowed for the *singing* of masses perpetually for the dead; 110 hospitals, established on the roads for the refreshing and lodging of pilgrims; besides which there were in different parts of the kingdom the preceptories and commanderies, formerly established by the Knights Templars and Hospitallers. Nor must it be forgotten that no less than twenty-eight of the abbeys were represented in the House of Peers by the same number of mitred abbots.* From age to

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matters of government than a blind man with regard to colours; and we, with our whole council, think it right strange that ye, who be but brutes and inexpert folk, to take upon you to appoint us who be meet or not for our council."

* Those were Abingdon, St. Alban's, St. Austin's, Canterbury, Battle, St. Bennet's in the Holme, Berdeny, Cirencester, Colchester, Coventry, Croyland, St. Edmondsbury, Evesham, Glastonbury, Gloucester, Hyde, Malmesbury, St. Mary's in York, Peterborough, Rumsey, Reading, Selby, Shrewsbury, Tavistock, Tewkesbury, Thornley Waltham, Westminster, Winchelsea; to whom the Prior of St. John may be added.—*Liber Regis*.

age the associations, superstitions, legends, marvels, and devotions of the people had been affiliated with those institutions, their localities, their garbs, relics, and miracles. From the extensive districts of the most fertile lands in the kingdom which belonged to those establishments, more than an equal proportion of the rural inhabitants were their tenants; and as such, they escaped from many severities inflicted by the feudal barons on the cultivators of their lands, and on the herds of their cattle and sheep. As the monks held only the *usufruct* of their lands, they leased them to tenants at very low rents; but they exacted the immediate receipt, willingly paid, of high fines. Although the ascertained rated annual value of 653 monasteries is stated to be 171,314*l.* 13*s.* 4*d.*, money of that period, the whole rental of the lands of all the religious institutions, if valued at the same rents as lands of equal quality belonging to the laity, might be estimated at not less than 280,000*l.*; equal to more than three millions annually of the money of the present day.

All classes were interested in protecting those institutions from confiscation. At each, the offal or superfluous food was daily given to the poor and the idle. They afforded refreshment and lodging to the noble and the commoner when they travelled, and they constituted loitering places for the vagrant as well as resting-places for the weary and the famished. They afforded, also, a provision and a respectable rank for the younger sons and to the poor daughters of the nobility; while they, at the same time, opened an avenue to distinction for the son or the daughter of a yeoman or tradesman. By com-

petition, genius, application, and learning, the *first* might become an abbot of Croyland or of Glastonbury, Newstede, Tavistock, Woburn, or Westminster; or a prior of St. John's, or of Tunbridge; a canon of Waltham, or a warden, dean, provost, or master of a monastic college. The *second* might, by her piety, virtue, and address, become an abbess of St. John, at Buckland, in Somerset,—of St. Bennet, at Rumsey, in Hants,—of Thanet, in Kent,—of Sion, in Middlesex,—or of Tamworth, in Stafford.

Those affiliations of the religious corporations with all other classes in the kingdom, rendered them so formidable that no king but Henry ever dared to invade their property, their revenues, or their privileges. But under him the whole nation trembled; and the whole frame of society and the structure of the most ancient institutions, were rendered subservient to the violent and capricious authority of a despot in all civil and religious measures. But arbitrary as he was, he proceeded, with the assistance of the mild but resolute Cranmer, and the more expert and vigorous Cromwell, to render the religious corporations odious to the nation, before he resolved absolutely to obtain their estates and property, either by surrender or seizure.

The immoralities and crimes, real or pretended, of the monks and nuns, were reported by the visitors, and published to the nation. Scandal, true or false, is greedily listened to and readily believed by the multitude. Added to the sensualities, there were published undeniable facts, exposing all the pretended miracles and oracles of images, saints, and relics. Tricks of legerdemain, mechanical contri-

vances to make images act parts, and whole fabrics for making relics were discovered and exposed. Those relics and miracles were sources of great profits to the monks, and the people began to perceive that they and their ancestors had been constantly cheated.

In order further to soothe the popular indignation at the spoliation, which was traditionally considered a sacrilege of the greatest turpitude, it was promulgated that neither the king nor the parliament would ever after impose any more taxes; as the rents of the lands, of the monasteries, chantries, and colleges would yield more revenue than all the future expenditure, in war or in peace, of the kingdom. This delusive boon to the populace was eminently seductive; the people complied—the confiscation was completed—gold and silver images, vessels, candlesticks, ornaments, and jewels vanished from their sanctuaries, and were delivered to the officers of the king.

Since the days of Henry II., the Canterbury pilgrimages, immortalised by Chaucer, were periodical carousals, alternately exhibiting boisterous feasting and superstitious devotion, which lined the roads with multitudes on foot and on horseback, extending from the jollity and mirth of the TABARD HOSTELRIE in Southwark, to the moans and prayers of the prostrate sinners kneeling for mercy before the SHRINE of St. Thomas À Becket.

Henry did not spare this last and richest of the most venerated of popular attractions and consolations. The shrine of gold, with its massive diamond, the great *fleur de luce*, the ex-voto of Louis VII., when he made a pilgrimage to Canterbury, were taken

away and sent to the "Augmentation Office" of the king. Becket's bones were burnt, their ashes scattered, and the pilgrimage abolished for ever. Other shrines and pilgrimages were subjected to the same fate.

Henry having confiscated the whole of the ecclesiastical lands, estimated at about fourteen-twentieths of all the good land in the kingdom, and having deprived the monks and nuns of all their effects in gold, silver, and jewels, he allotted them all small pensions, which, instead of a perpetuity, ended with their lives.

The whole spoliation was illegally conducted, for the abbots and abbesses had no right to surrender properties, which they merely held in trust, and of which they had only an usufruct. But parliament ratified and legalised the whole confiscation.

When we take into account that nearly three-fourths of the kingdom had from time to time been alienated to monasteries, nunneries, and other religious institutions; and that even the alienations made to the clergy before the passing of the statute of mortmain were long considered grievous and unjust by the nation, it becomes a question how far the acquisition of territorial property by corporations can, on the principles of moral and natural justice, increase, without the interference of the government and the laws, in order to remove a grievance which oppresses and degrades the whole nation or people. Without the consent of the nation, either openly or tacitly expressed, or even ignorantly and often fraudulently obtained, there can be no regular government,—no security for person,—no legal tenure

for property, whether in land or in chattels. Has a government, ruling with the consent of the nation, the right to resume, for the benefit of the whole people, lands superstitiously or fraudulently bestowed? All lands are acquired either by conquest and discovery, or by legal purchase, heritage, or gift, or by long undisturbed occupancy.

If individuals or families become possessed of lands under any of the above tenures (the first, however, being scarcely possible), it would constitute a violation of all justice to deprive them of lands so acquired. But with *fraternities, religious or lay, who have only an USUFRUCT in corporate lands, when the latter have become injurious to the whole nation, the utmost justice that ought to be awarded to those who at the time may have been enjoying the USUFRUCT, would be to place them in no less favourable position during their natural lives; and as they died off, the lands to revert to the crown or government for the general benefit of the whole people.*

This was not the course pursued by Henry VIII.; and although we have but imperfect accounts of the sufferings of the monks and nuns, their calamities, though partially relieved by pensions, must have been severe, when they were in multitudes driven forth, without shelter, from the most comfortable habitations in the kingdom. In bare equity they ought to have been either allowed, during their lives, to enjoy their *usufruct*, or they ought to have been sufficiently provided for.

While we, however, deprecate all arbitrary and unjust acts, we must look at the effects of the abolition of the monasteries and the distribution of their

lands, either by open sale or by profuse and often unworthy grants from the crown. Without that resumption and distribution of nearly three-fourths of the territory of England, the nation would have made but little progress in prosperity. Ignorance, idleness, beggary, and vagrancy would have prevailed over the whole kingdom; liberty would have been utterly lost; commerce and navigation would have become stagnant; and agriculture, horticulture, and manufactures would scarcely have emerged from the rude and clumsy condition of which we have glimpses in the chronicles of that age.

The distribution of those lands soon created a great change. Some of those who obtained them were then barons; but the great majority were of a class who had either acquired money by industry and trade, or by the legal or other professions, or who received lands for public services, or by the king's favour.

Those distributions of the surface of the kingdom may be said not exactly to have originated—for previous alienations had in some degree done so—but they tended nearly altogether to create that class to whom the English people owe almost unmeasured gratitude—we mean that bold and independent class, of whom the nation may be justly proud, usually styled THE COUNTRY GENTLEMEN. We shall hereafter show how generously and boldly they came forward in the reigns of Charles I. and James II., in asserting and defending political, civil, and religious liberty.

Henry VIII. did not *establish a reformation in religion*. He burnt Protestants as heretics, and Papists as traitors. Sir Thomas More, one of the

most extraordinary men of the age, the friend of Erasmus, and the chancellor of the king,—yet zealous and conscientious, learned and virtuous, was beheaded as a traitor, because his devotion to a religion, which he honestly believed to be true, forbade him to swear fealty to the king's supremacy. Cranmer was not so scrupulous, for he swore, hypocritically, an oath to the Pope which he did not believe, in order to qualify himself for the archbishopric of Canterbury. He not only, however, spoke against the act of the six bloody articles, but Henry did not, as usual in his anger, burn him alive; and contrary to his ordinary conduct, he seems never to have acted towards him with ingratitude, for having accidentally, yet successfully, originated the course for the king to adopt in order to divorce Catherine of Arragon and marry Anne Boleyn.*

Never did men ascend more rapidly into power, nor fall more suddenly, than Wolsey† and Cromwell. There is no parallel to the rise and fall of the first, unless it be that of George of Cappadocia, England's patron saint. Thomas Cromwell, from being a locksmith's son, rose to be chancellor and vicar-general. Anne Boleyn aided to bring ruin on the first; Catherine Howard was the most insidious agent in bringing Cromwell to the scaffold.

The proofs are abundant that Henry VIII. was an absolute tyrant, an arrogant pedant, and a capricious theologian. When Bacon said "he was an

* The king swore that Cranmer "got the right sow by the ear" when the latter advised the king to refer his case to the opinion of the universities of Europe. Yet Cranmer afterwards declared the marriage of Henry with Anne Boleyn unlawful.

† There never was an Englishman, excepting Oliver Cromwell, so eagerly caressed by foreign princes as was Cardinal Wolsey.

ill king, but not the worst," he drew a mild portrait of a ferocious despot. But Henry must not be condemned without allowing him the merit of approving of some good laws. It was enacted during this reign that members of parliament, who absented themselves without leave, were to forfeit their wages. Persons serving in the army might alienate their lands without fine to the king—assurances of lands to churches and chapels by mortmain were declared void—lands were allowed to be disposed of by will—deeds were to be enrolled—pirates were to be tried by common law—precedency was settled by act of parliament—the county and city of Chester, the counties and certain towns in Wales, were first empowered to send members to parliament. By those acts thirty members were added to the House of Commons. The Bible was by law allowed to be read in private houses—thieves and murderers were not to be allowed the benefit of clergy—poisoning was made high treason—stolen goods were to be restored to the owners—clergymen were prohibited to trade—Ireland was erected from being a lordship into a kingdom. Before his death he restored the universities of Oxford and Cambridge to their estates and privileges. Six new bishoprics were erected by the king, viz., *Westminster*, Gloucester, Bristol, Oxford, Peterborough, and Chester: all have remained permanent except Westminster. Twenty-five towns were also by act made the sees of suffragan bishops; and all clergymen were ordered to reside on their livings. He also founded Christ's Hospital in London, Trinity College, Cambridge, and refounded Christ's College, Oxford.

His wars with France and Scotland, and the naval

spirit which prevailed in Spain, Portugal, and Holland, and the increasing naval strength of France,—with the growing trade of England, rendered a royal navy of a more formidable description necessary for the defence of the trade and coasts of the kingdom; and to Henry, although his father built one great ship, we must justly ascribe the merit of establishing the dockyard at Woolwich, instituting the Trinity Corporation, and constructing the first royal navy of England. His fleet—numbering in all about fifty ships, the largest being 1000 tons, and about twenty ranging from 600 to 150 tons, the remaining vessels being much smaller—was powerful in that age; but in the present day there are many single firms in London, Glasgow, Liverpool, and Newcastle, who could equip a fleet infinitely more formidable than the whole naval force of either Henry or Queen Elizabeth.*

We have reviewed at greater length the acts of this reign than would appear necessary, were it not that it has formed, as we have already observed, the culminating elevation of despotic power in England; and it will appear, that the most prominent arbitrary acts of Henry VIII., who would seem to have been under neither the control of piety, religious conviction, virtue, chastity, or justice, have nevertheless caused changes, which afterwards developed aspects and consequences eminently favourable to civil and political freedom, and to religious and intellectual liberty.

* In order to avoid repetitions, we will advert to the navigation of the kingdom in a summary hereafter, at the end of the reign of Queen Elizabeth.

REIGN OF EDWARD VI.

This amiable youth cannot be said to have ever reigned, although from the ninth to the sixteenth year of his age, when he died, all acts of the regency are very legitimately recorded in his name. For so young a person, and from the evidence of his Diary, which is preserved, he appears to have been remarkably studious and a watchful observer of events; but in that Diary there are sufficient indications of his determination, if he had attained his majority, to assume all the prerogatives exercised by his father and grandfather.

If we take into our estimate of the administration of the government of England during those seven years,—the characters of the sixteen executors of regency and the council of twelve appointed by the will of Henry VIII. to govern during his son's minority, which was to end in his eighteenth year,—and the ambitious tempers and views of many of the barons, especially of Dudley Earl of Northumberland, son of the notorious Dudley, the chief instrument of extortion and prosecution employed by Henry VII., and who was put to death by Henry VIII.,—if we also consider that the people were unsettled, divided, and terrified with regard to religion, we may rather wonder that so much good was effected in, than marvel at the evils of, this brief reign.

In a very short time the regency appointed by the will of Henry VIII. was changed by the consent of its several members, who were themselves enriched by receiving great portions of the lands of the monasteries. Lord Hertford, brother of Jane Seymour, and

consequently the young king's uncle, became lord protector, with the unanimous concurrence of all but one of the executors, Lord Wriothesley, the chancellor, an ambitious and active man. Hertford was soon afterwards created Duke of Somerset. Several peerages were then, according to a wish entertained by the late king, created; and in order to satisfy many who were not rich enough to accept peerages, many benefices, deaneries, and prebends were conferred on them. Hence the iniquity commenced of bestowing spiritual benefices on laymen. Wriothesley, who had been created Earl of Southampton, and who, in order to have more leisure for his ambitious purposes, had put the great seal in commission, was, in consequence, deprived of his office.

Somerset, with the acquiescence of his associates, having entirely subverted the will of Henry VIII., assumed, as lord protector, all the powers of a sovereign, and, with the aid of Cranmer, and notwithstanding the unwearied opposition of Gardiner, established the Church of England as an episcopal hierarchy, which should stand forth with such power and emoluments as to rival the Papal Church in all but its errors. Of this English Church the king was declared the supreme head; and Cranmer, its primate for all England, as Archbishop of Canterbury.

Somerset, then, with the determination to annex Scotland to England, invaded that kingdom. In the battle, or rather slaughter, of Pinkey, Somerset's most disguised but most inveterate enemy, Dudley Earl of Warwick, was a very successful combatant. Several towns were taken, and the English fleet devastated the coasts, destroying all

the trading vessels in the Scotch harbours. Somerset, however, did not profit by his triumphs; being anxious to return to London, where cabals were intriguing against his authority. The protector, after Wriothesley's disgrace, experienced for a long time little opposition from his counsellors. They had received lands and riches out of the confiscations, and the re-establishment of Popery would have endangered their lives, and deprived them of their lands. Somerset, therefore, allowed none but Protestants to surround the young king; and without any delay he summoned a parliament, in which, much to his credit, he had several beneficial laws enacted. The act of the six bloody articles; all laws which extended the crime of treason beyond the statute of the 25th of Edward III.; all those extending the crime of felony passed during the late reign; all laws against the Lollards; and that law which subverted all laws—the act which gave the force of statutes to the king's proclamation—were repealed. Nor were any to be accused of words spoken after a month had expired. Heresy was, however, to continue, by common law, a capital crime, with the penalty of burning.

By an atrocious law of Henry VIII., the king was enabled to annul every statute before he was twenty-five years of age. This act was so far mitigated, as to leave it to the king to withhold their execution, but not to recal any previous measures under their operation.

It was also enacted that all who denied the king's supremacy, and affirmed that of the Pope, should, for the first offence, forfeit their goods and chattels,

and be imprisoned during pleasure; for the second, to suffer the penalties of *præmunire*; and for the third, to be guilty of high treason. Several other penal provisions were made in defence of the king's title and supremacy.

As to religion, if we are to rely on Heylin and other authorities, there is little doubt that, although the doctrines of Wickliffe had long been cherished by the most intelligent of the people, yet there was a general mistrust and terror as to the permanence of any reformation. All was uncertain. There was little intercourse between the people. There were scarcely any roads; no regular means of travelling between one part and another of the kingdom. Men passed slowly by vessels along the shores, or on foot or on horseback overland. There was no post-office,—no public press. Men had no confidence in each other; and the numerous executions and treacheries during the preceding reign terrified nearly all men—for no man was confident that his neighbour, or whomsoever he spoke to, might not turn out an informer or an accuser against him.

Cranmer and many others, who afterwards suffered martyrdom, were no doubt sincere believers; although even Cranmer, to whom the Church of England owes, in the first and greatest degree, gratitude for its form of government, its constitution, and its liturgy, had been guilty of indefensible acts, if we judge of him according to the Christian precepts, and by the standard of moral honour. No impartial man can defend his tortuous evasion of the oath of obedience to the Pope, which he swore on being consecrated Archbishop of Canterbury, by his entering a formal pro-

test against the oath just before he swore to obey its obligations. By this act he was guilty of that heinous sin, of which the Roman Catholics are generally, and we believe in nearly all cases unjustly, accused—that of mental reservation on taking oaths. If Cranmer sincerely believed in the mild and charitable precepts of Jesus, as recorded in the New Testament, he would not have burned the Arians and Anabaptists; and his sophistical argument, *perverted* from the books of Moses, by which he frightened Edward VI. to consent to the burning of Joan Bocher, must rank him no higher in the ranks of humanity and justice than Calvin and other bigoted theologians. In most other respects he was a moderate churchman, and a safe and practical, but not rash nor violent reformer.

From the numerous and formidable insurrections in the west of England, and in the several eastern and northern counties, it is evident that the majority of the people were unfavourable to the Reformation, and especially hostile to the confiscation of the church and monastic lands. Somerset was always ready to moderate public grievances; but he was on that account hated, as he was for his power envied, by all the nobility, including his ambitious and violent brother.

A remarkable law was passed early in this reign, which pretended to be directed only against common beggars and idlers, but in reality it was chiefly against the monks, who swarmed over the country, without habitations, and who had been actively, yet covertly, engaged in fomenting the insurrections. By this law, any person *found loitering* without work, or without offering himself to work for three

days together, was *adjudged to be a slave* for two years to him that should present him to a justice of the peace; and should be marked with the letter V, imprinted with a hot iron, on his breast. Though this horrid law was intended against the monks, it being general in its terms, became universally odious; and it was in consequence repealed the next session.

The parliament having given the king all the lands designed for the maintenance of colleges, chantries, and chapels, of which his father had not taken possession before his death, Cranmer opposed the measure, in order to preserve the property for the English Church. But the nobility and gentry, being certain that whenever those lands, like the former confiscations, became vested in the crown, they would soon obtain them on easy, if not on gratuitous terms, Cranmer was defeated in his views, and the lands, as well as all the legacies for *obits* and *anniversaries*, for *maintaining lamps burning in churches*, and *guild-lands*, were sequestered, and afterwards profusely acquired by the nobility and their creatures.

The commission, or committee of divines which was appointed to compose or compile the liturgy, retained all that the reformers would admit of the old mass; and they considered they had so judiciously balanced the objections of Protestants and Papists, that each might concur without any conscientious scruple; and the parliament ordained that this liturgy and service should in all churches be observed as an uniformity of religious rites and ceremonies.

As to the members of both houses of parliament, they seem to have been governed chiefly by interested views with regard to religion; and there is

no doubt that, both under Somerset's popular government and the short tyranny of Dudley, the House of Commons was, by corruption to a very great extent like the juries of the age, packed in order to carry measures, which few of the members comprehended, but for passing which they were invariably rewarded, although not directly bribed with money. Nomination boroughs were also created in this and the following reign, chiefly in the crown duchy of Cornwall; and the prohibition abolished which prevented the eldest sons of peers sitting in the commons—a precedent formerly considered pernicious, and which certainly proved so from that time until the passing of the Reform Act.

The popular government of Somerset being hateful to the nobility and to the Catholic bishops and the Catholics generally, intrigues were artfully fomented by the infamous Dudley, then Earl of Warwick. Among the most dangerous of the protector's enemies was his own brother, Lord Thomas Seymour, then lord admiral. Dudley perfidiously, in order finally to ruin Somerset, precipitated Lord Seymour into declarations and acts which were fatal to that turbulent, able, and dauntless nobleman, who aspired not only to power but to the throne, for he had first married Catharine, the queen dowager, and after her death he made very favourable impressions on the Lady Elizabeth, then only sixteen years of age. He was executed on Tower-hill; and he being removed, Dudley commenced undermining, then to overthrow, the power of Somerset, whom he at last brought to the scaffold. On the 22nd of January (1552) his nephew, Edward VI., writes, with either simplicity

or indifference, in his Diary, "This day the Duke of Somerset had his head cut off in the Tower, between eight and nine in the morning."

There never was an execution so much desecrated by the people; and the parliament, which met next day, refused to ratify the sentence.

Dudley had, however, secured the mind of the king, and was created Duke of Northumberland. This man inherited all the mean vices of his father, to which he added the most unbounded ambition. He executed Sir Thomas Arundel, Sir Miles Partridge, Sir Michael Stanhope, and Sir Ralph Vane, who were friends of Somerset; and he ruined, by fines, Lord Paget, the chancellor of the duchy, and on the ground of mean birth he stripped him of the garter, given him by Henry VIII.; and he gave that badge to his own son, Lord Warwick. The Lord Chancellor Rich was also dismissed. Dudley then resolved to deprive Tonsal of the rich bishopric of Durham; threw that prelate into prison; brought an attainder of misprision against him in the peers, which passed with only two opposing barons, those of Stourton, a Catholic peer, and Cranmer. The commons, however, rejected the bill, as they did the attainder of Somerset. Dudley immediately dissolved the commons, and had a packed and subservient house elected. His circular letter to the sheriffs is a remarkable specimen of insinuation and corruption.* He even made the king write letters, recommending members to most of the shires.

Dudley managed, in consequence, to grasp for

* See Strype's Ecclesiastical Memorials.

himself the palatinate of Durham, with its jurisdiction and *regalities*. He acquired so great an influence over Edward, as to get him to name Lady Jane Grey as his successor, to whom Dudley married his youthful son, Lord Guildford Dudley. Edward then declined rapidly in health, and died soon after. The populace attributed his death to the Dudleys, who were detested all over the kingdom.

The Duke of Northumberland endeavoured to conceal Edward's death, in order to entrap the Ladies Mary and Elizabeth. Failing in this perfidious attempt, he proclaimed, contrary to her protestations and wishes, the youthful Lady Jane Grey queen. But the general hatred against him and his family dissipated even the fears of the Protestants, with respect to the legitimate heir, the Princess Mary. Lady Jane and Northumberland were deserted, and Mary was proclaimed queen.

Northumberland, three of his sons and his brother, and several others, were sent to the Tower. The former and two of his friends, Sir Thomas Palmer and Sir John Gates, were executed a few days afterwards.

This short reign is so abundant in events, and in the changes made in religion and in the fortunes of men, that their effects, although in most respects suspended during the following reign, are at this day in remarkable force, morally, politically, and historically, all over England.

REIGN OF MARY.

Human nature has and will ever be subject to the frailties of prejudice, bigotry, and superstition. The influence of fear and hope,—of tradition and social usages,—and of *heritable* forms of devotion and creeds, in every age and country, and over all races of mankind, has, with few exceptions to this general rule, governed the senses and controlled the reasoning faculties of individuals and of communities. But if we bring our minds to reason without the bias of our accustomed impressions, or the attractions which divert the senses, we must arrive at the conclusion, that the simple, unselfish, peaceful, and affectionate precepts and prayer inculcated by Jesus, are recorded in language so plain, clear, and so free from any obscurity in the Gospels, that all may understand them in their literal meaning. When we, with the same impartiality and with charity, reflect on the social condition and intellectual bondage of those sects of Christians, who have been born amid ignorance, and trained to believe the obscure dogmas, alluring precepts, and fascinating ceremonies, framed by cunning and worldly churchmen, and who therefore remain, with pious sincerity, attached to heritable forms of worship and doctrine—it would be only infatuation to expect, and fallacy to believe, that those errors and delusions can be suddenly dissipated and supplanted by other forms of worship and doctrines of faith, however rational and consistent with those of primitive Christianity. Therefore, we need not be astonished at the immediate reaction which enabled Mary to subvert nearly all the acts of the late reign.

Nor can we reasonably doubt the piety and sincerity of that princess. All the religious doctrines and ceremonies,—all the historical associations and even traditions of her mother's family—were devotedly observed and cherished by her while she lived with her mother, and afterwards in her solitude, while separated from her family. Mary was the daughter of Queen Catharine, who was the sister of Joanna, the mother of the Emperor Charles V.; and Catharine and Joanna were the daughters, and Mary herself the granddaughter, of Ferdinand and Isabella, who had put in terrible and excruciating practice the horrors and tortures of the formidable tribunals of the Inquisition. Her cousin, Charles V., had waged religious wars against the Lutheran princes of Germany; and Mary's wrath against the Protestants was nursed by the divorce of her mother,—by living with that parent,—then by her separation from her family,—and in her solitude by her confessor,—by Bonner, Gardiner, and other prelates. That she was a sincere and conscientious Roman Catholic there is no doubt; while we are compelled to believe that Elizabeth was scarcely better than a political Protestant. We need not, therefore, marvel that Mary was a bigoted, but not hypocritical zealot. Soon after her accession to the crown, she married her near relative, the tyrant Philipp II.—the most cruel prince in Europe, and the most sanguinary in the persecutions which he enforced in the Low Countries and in Spain. This marriage added still greater force to her religious intolerance.

The Catholic religion was accordingly suddenly restored. Bonner, Gardiner, Tonsal, and other Catholic bishops were reinstated; the act of the bloody

articles was, with other tyrannical laws, revived; and a persecution against the Protestants was instituted with ferocious zeal. The horrors of this barbarity is brief. A new parliament was elected and summoned. It was, like all the new parliaments under the Tudors, a notable machine to work out, with equal pliancy, the evil or the good measures of whoever held the sceptre. There were, during this reign, insurrections, and, consequently, executions. Lord Guildford Dudley and Lady Jane Grey, both young and innocent, were beheaded; and Cranmer so narrowly escaped being executed as a traitor, that it was almost apparent that he was specially reserved for the more ferocious punishment of being burnt as a heretic. The Duke of Suffolk, Lord Thomas Gray and many others, lost their heads. To secure the power of the queen and her husband Philipp, in England, large sums were sent by Charles V. to corrupt the English commons and lords. It was the first instance, but not the last, of bribing members directly by giving them money. With regard to the Lady Elizabeth and the succession, the parliament, dreading the consequences in the event of Mary's death, made a show of opposition when Gardiner proposed, with a view to the succession of Philipp, to invest the queen, by law, with the power of disposing of the crown. In other respects, Hume very truly observes, "That notwithstanding the extreme zeal of those times for and against Popery, the object always uppermost with the nobility and gentry was their money and estates; and the parliament having secured their own possessions, were indifferent with regard to the religion, or even to the lives of their

fellow-subjects." They consequently revived all the sanguinary laws, and repealed those adverse to the Roman Catholics.

Cranmer was burnt alive, and Cardinal Pole received priest's orders, and became Archbishop of Canterbury. Four other bishops, twenty-one clergymen, eight lay gentlemen, eighteen tradesmen, one hundred husbandmen, seventy labourers, fifty-five women, and four children, were also burnt alive.

On the death of Edward the trade and navigation of England was, comparatively to any former period, in a thriving condition; and although heavy public debts, occasioned by the war against Scotland, and the extravagance of the regency, yet there was tranquillity within the kingdom, and peace between England and all other countries. Mary and her ministers, however, acted as if England had become an integral part of Philipp's dominions. She declared an expensive and disastrous war against France; the only fortunate event of which was, that Calais was lost, and the English driven out of a wretched possession, always maintained by a great drain of money and men from England.

Her reign was soon after terminated by death. Her husband, who was ten years younger than herself, hated and deserted her. He was disgusted not only with her person, but with the excess of her love for him, which in many respects resembled that of her aunt, the insane Joanna, for Philipp the Handsome, father of Charles V.

With the exception of the short period of the war with France, the trade of England with the continent of Europe was not interrupted. But in Flan-

ders, trade and industry were paralysed by the persecutions under Alva, which destroyed, it is recorded,* fifty thousand persons, who were hanged, beheaded, buried alive, or burnt for heresy. English commerce suffered greatly from the effects of those atrocities. Vast sums of Spanish money, which were spent in London to corrupt peers and commons,† caused a brisk demand for various luxuries. The *staple*‡ was removed from Calais, where it was maintained as a monopoly, to the more congenial seat of Bruges. Those towns and seaports which were engaged in manufactures, trade, and shipping, submitted to the dictates of queen, parliament, and prelates, until the storm of persecution passed away; and they hailed the announcement of Mary's death as the trumpet sounding the deliverance of England from the domination of Spanish tyranny, and from the persecutions and fires of a hierarchy which had become vindictive and brutal.

Mary, who had during her whole reign levied taxes and extorted loans illegally, left the debts of her brother Edward and most of her own for her successor to pay. Cardinal Pole, a man of great moderation, and very different in temper and in charity from the queen and her instruments, Gardiner and Bonner, died the same day on which the queen expired.

* Father Paul, lib. v., as quoted by Hume.

† It is recorded that Philipp brought over from Flanders twenty-seven chests, each forty inches long, filled with bullion. Ninety-nine horse loads and two cart loads of gold and silver, besides 1,200,000 crowns, sent over before at the instigation of Gardiner, to "soften the lords and commons." These sums appear incredible.

‡ This term will be found explained hereafter, in the chapter on the commerce of England at the death of Queen Elizabeth.

REIGN OF QUEEN ELIZABETH.

The Princess Elizabeth succeeded Mary under dangerous circumstances. The Romish Church was re-established, and Elizabeth feigned conformity to its observances during her sister's reign. Spain, France, the German Empire, and Scotland, were unfriendly; although, in the latter, the Reformation had made sure progress. Its disciples were roused to desperate resistance by the burning alive of George Wishart, which was revenged by the assassination of Cardinal Beaton. By the arrival soon after of John Knox from Geneva, the great majority of the people became resolute and implacable enemies to the Romish Church; and the Presbyterian worship was firmly established by the league which styled itself "the Congregation of the Lord." The succession of Elizabeth was, however, not disputed in England; although the Catholic peers, prelates, priests, and people, dreaded the government of a queen who had, in Edward's reign, professed openly the Reformed doctrines.

But all classes had, during the three preceding reigns, trained their minds, speech, and principles into a pliancy which moulded readily into an accordance with whatever changes were dictated by the sovereign. Thus, when Elizabeth had, with extraordinary discretion and dissimulation, secured her authority, she treated all the Catholic bishops, except Bonner, with kindness, and to eleven of her sister's

councillors whom she retained, eight well known as Protestants were added.*

The queen, with the advice of those councillors, proceeded gradually to re-establish the Reformed Church. All the bishops refused to officiate at her coronation, but, at last, the Bishop of Carlisle consented to perform the ceremony. A parliament was soon after assembled, by which authority† her legitimate right to the crown was declared, and acts were passed, enacting that the queen was the supreme head of the Church—that the crown, without either election or convocation, was invested with the power to appoint all bishops, repress all heresies, institute or repeal canons, rites, and ceremonies; alter points of discipline; and for which purpose the queen was empowered to appoint lay or spiritual commissioners. This power, with its ecclesiastical commission, gave the queen a spiritual authority as absolute as ever was claimed, and probably greater than ever was exercised, by the popes. The penalties for refusing to swear to the queen's supreme authority were made as severe as those which were enacted during her father's reign. All the laws in favour of the Reformed religion passed in the reign of Edward VI., were confirmed; all those for re-establishing the monasteries and the Romish Church in Mary's reign, were abolished.

* These were Sir Nicholas Bacon, lord keeper; Sir William Cecil, secretary of state; Sir Francis Knolles, Sir Ambrose Vane, Sir Edward Rogers, Sir Thomas Percy, commoners; and the Earl of Bedford and the Marquis of Northampton, peers.—*STRYPE'S Ann.*, vol. i., p. 5.

† If we can rely on the papers collected by Clarendon, it would appear that the knights of the shire and the burgesses of this parliament were returned by royal influence. It is stated that the crown nominated five candidates for each borough, and three for each shire; and that out of those the sheriffs returned the members.

The queen was empowered on the vacancy of a see to seize the temporalities, on bestowing *an equivalent** (a very dubious value) on the new bishop. The service in the English language was restored, the Bible was allowed to be printed and read, and alienations of ecclesiastical lands, or revenues, for more than twenty-one years, were declared illegal.† The Church of England was established as the religion of the state, very nearly with the same forms, doctrines, ceremonies, and services, which has endured from that time down to the present day. All those great changes and acts were carried by the strong will of a young woman, and by the first parliament, in the first year of the reign of a princess whose legitimate title to the crown was far more than doubtful. But she was, happily for England, *acknowledged by all classes of the natural possessors of all power—the people, as their RIGHTFUL QUEEN.*

This parliament also granted her that necessary element of administration, *a subsidy*, which has been far more grudgingly yielded than their liberties by the commons to their sovereigns.

In this first parliament, it might have been expected that the practice of attainders would have been renewed against many who had acted such cruel and despotic parts in the late reign; but no in-

* Fraudulent alienations were, however, countenanced by the queen during the whole reign.—STRYPE.

† As a specimen of Queen Elizabeth's manner of treating these equivalents, she wrote to the Bishop of Ely, for not accepting an equivalent (which was nominal) for a part of the lands belonging to the see: "Proud Prelate,—I understand you are backward in complying with your agreement. But I would have you know that I, who made you what you are, can unmake you; and that if you do not forthwith fulfil your agreement, by God I will *unfrock* you.—Yours, as you demean yourself. ELIZABETH."

stance of such arbitrary severity was suggested by the queen, nor instituted either by the peers or commons.

It was in reply to a respectful address from this parliament, beseeching the queen to fix her choice of a husband, that she told the speaker of the commons she did not take offence at the address, which she considered as a further proof of their affectionate loyalty; but that henceforward it would ill become them as subjects to recommend, or for her, as an independent princess, to hear their advice on that question. That England was her husband, wedded to her by this pledge (showing a ring on her finger), by which she betrothed herself to the kingdom at her inauguration,—that all the English were her children; that while she was employed in rearing and governing such a family, she could not deem herself barren, nor her life useless and unprofitable; that should she live and die a virgin, she would, with the aid of Divine Providence, endeavour to secure to them a sovereign, who, perhaps, better than any issue which she could have, would follow her example in cherishing and loving the people.* And that for herself, the fairest remembrance of her would be to have engraved on her tomb, “Here lies Elizabeth, who lived and died a maiden queen.”

We have no example in history so remarkable as that which occurred during the first year of the reign of Elizabeth,* of the easy and almost general transi-

* Camden; D'Ewes. How remarkably does this extraordinary flexibility of religious profession contrast with the unselfish conduct of that great body of the clergy of the Church of Scotland, who went forth from their manse and churches, and gave up their independent stipends, for the uncertain homes and precarious means of the Free Church, which depends altogether on the voluntary principle.

tion of men's profession of the religious doctrines and ceremonies of one Church to the profession and practice of those of another, which denies the truth of some of the most prominent articles of the Romish faith.

Of the fifteen bishops then living, it is true Landaff alone joined the Reformed Church. But of all the Catholic clergy, enjoying the fruits of about 10,500 parishes, only twelve archdeacons, fifteen heads of colleges, fifty prebendaries, and eighty parish priests, relinquished their benefices, livings, and cures. That is to say, only one hundred and seventy-one persons in holy orders, including the bishops, were found among at least ten thousand who abstained from reaping the fruits of the new Church. It must, however, be remarked, as an apology for those seemingly worldly priests, that the liturgy and forms of the Romish hierarchy were as far as possible retained by Elizabeth. She also wished to preserve all those ceremonials which delight or overpower the senses, including most of the gorgeous attractions of sacerdotal robes, and all the glittering magnificences of the Church. A hierarchy was maintained, with its distinctive garments and ranks, its rochet, surplice, corner caps, and tippets, and she cherished the utmost aversion to all preaching, and abhorred sermons. The worship and doctrines of the Puritans, and all simplicity in devotion, was distasteful to a queen, who at all times loved stately pomp and dramatic splendour. There is abundant evidence, that if the spirit of the people would have favoured her inclinations, she would have included in the new Church the adoration of images, worshipping of saints,

and prayers for the dead. She thanked a divine in public for defending the real presence, and scolded, while he was preaching, her chaplain Nowell, for "his ungodly digression" in condemning the Popish ceremony of the sign of the cross. The remonstrance of her chief minister, Burleigh, scarcely prevailed against her absolute determination to forbid the marriage of priests.

Yet it was the Catholics, whether in England, Spain, or the Netherlands, who caused those insurrections, conspiracies, and invasions, which endangered her crown and her life.

It would, however, appear that she detested the Puritans far more than she hated the Papists; and she never dissembled that the cause of her animosity to the former was their attempts to abridge the high royal prerogative, which had nearly at all times been favoured, excepting in ecclesiastical affairs, by the Church of Rome.

She had early learned to dislike Bishop Hooper, who had refused to wear the episcopal robes; and she felt no sorrow when he was burnt at Oxford. Grindlay, Archbishop of Canterbury, favoured the Puritans, and considered the mitre as a Popish ornament used in the unchristian mummary of consecration. He was tried before the Star Chamber for not obeying the queen's order to suppress assemblies of zealots in Puritans' houses, which she said were academies of fanaticism; and he was sequestered of his archiepiscopal see, and confined to his house until his death in 1583; when she appointed the notable high churchman, Whitgift, to that archbishopric.

If Elizabeth was absolute in regard to her prerogative in civil matters, she was still more jealous of interference with her authority in spiritual affairs. Yet Ridley removed the altar from its usual place in Romish churches for administering the Eucharist, and substituted a communion-table, which, on becoming general, were, in derision, called "Oyster Boards;" and it is related by Heylin, that the innovation met with little opposition, because the nobility and gentry seized for their own use the plate, ornaments, and vestures belonging to the altar. Several bishops denounced all the ornaments of the ancient Church, and the vestments of the clergy, as stage dresses and degrading fools' *Habits*.

The Puritans, although they constituted a majority in the House of Commons, in most instances concealed their opinions, and were generally temperate and submissive, during the reign of Queen Elizabeth. Yet they usually condemned the surplice, the ring in marriage, the cross in baptism, kneeling on receiving the sacrament, and bending on pronouncing the name of Jesus, or Christ, in the liturgy. In many parishes they refused to attend the Church service; and there is no doubt that their sentiments were not discountenanced by Lords Bedford and Henley, nor by Knolles or Walsingham.

In the parliament which assembled in the fifth year of the queen's reign, the Puritans introduced seven bills for a further reformation of the Church; but the simplifications proposed were all rejected. Parliament did not assemble again for eight years, and then Strickland, one of the members, brought forward a bill for shortening and excluding repeti-

tions from the liturgy, and especially for abolishing the sign of the cross; but the commons were awed into obedience by the court; and Elizabeth, by the organ of her treasurer, told the house that with her alone, as head of the Church, was the judgment and prerogative lodged, to regulate all forms of worship. Her comptroller warned the house to remember former examples, and not to meddle with the royal prerogative. Picton, a Puritan member, ventured to dispute, with zeal and reason, those assertions of the courtier. Carleton, another member, asserted that the liberties of the house were invaded by the queen in council prohibiting Strickland from appearing again in the House of Commons. Great constitutional principles were advanced by Yelverton and others; but the queen, aided, most unconstitutionally and treacherously towards the people, by the peers, obstructed all further progress with the bills introduced for the reformation of the liturgy and ceremonies of the Church. An act was however passed against receiving or circulating bulls, absolutions, indulgences, or other rescripts from the Pope, and accepting *agnus Dei*, crucifixes, or other superstitious utensils from Rome.

In the parliament held five years afterwards, in 1576, Peter Wentworth, a Puritan, made a formal, bold, and reasonable speech, which highly offended the queen; and nothing further was allowed to be introduced respecting the liturgy. In the session which assembled in 1581, severe enactments were passed against the Catholics. It was urged that those penal laws were rendered absolutely necessary by recent dangerous proceedings on the part of the

Romish priests, which were sent in great numbers from the continent to England.

Philip II. of Spain, who gloated over the burning of his own Protestant subjects, had conceived, that, from the Catholic universities and schools in England having been transformed into Protestant seminaries, it was necessary to provide colleges for educating priests for the spiritual consolation and preservation in this life, and the salvation on the death of English Catholics. He, therefore, founded the seminary of Douay for the sons of English Catholics, of which Dr. Allen became the principal. The Cardinal of Lorraine founded, for the same purpose, a college at Rheims. Those schools were directed by Jesuits. They sent over annually a swarm of priests to England; who were trained to be martyrs, and consequently to instil among the English Catholics hatred to the queen as a heretic and an usurper, excommunicated and consigned to eternal perdition by the Pope, who had absolved all her subjects from allegiance to her. The charges brought forward against them were greatly exaggerated, and they were often cruelly punished. While the Duke of Alençon, who became Duke of Anjou, was in England, suing for the hand and heart of the queen, with the appearance of success, in marriage, she had Campion, a Jesuit, put to the rack and executed for treasonable practices. Shortly after, she ordered a Puritan to have his hand chopped off, for a libel on the French marriage.

In the parliament which met in 1584, laws were enacted, by the queen's orders, against Jesuits and Popish priests. They were banished the kingdom

under the penalty of treason, and those laws enacted the suppression of the Romish worship. Under those cruel statutes, Camden says that in ten years fifty priests were executed and seventy banished. Yet the queen reproved the judges for their severities; but the reprimand was only one of her political hypocrisies.*

In a petition to the lords from the commons, which proves the dastardly spirit of the latter, during this session, they ventured to allude to the *oath of supremacy*, exacted *ex officio* by the *Court of Ecclesiastic Commission*. This arbitrary tribunal was, on the suggestion of Whitgift, erected into a new and atrocious structure after the death of that amiable and moderate divine, Archbishop Grindal. It consisted of forty-four commissioners, twelve of whom were ecclesiastics, and *three* members were considered sufficient for a *quorum* of a court which extended its despotic authority over the whole kingdom. Its proceedings were not justified by either reason, natural law, or the precepts of Christianity. Its commissioners were authorised to visit all places, and to decide what were, and to prohibit and punish all errors, heresies, and schisms. They were empowered to examine all persons, and to extort confessions by *the rack* or any other mode of torture; and then by the oath, called *ex officio*, to demand answers to all questions, even those which might criminate the person racked, or any other. They

* "The judges replied that Campion was only racked for treasonable practices, and so leniently, that he was afterwards able to walk, and subscribe his confession; and that Brian was only starved until such time as he asked for *victual* in writing, in order to prove his handwriting."—CAMDEN.

had the authority to fine and imprison, without limitation as to the amount or the time. They were to punish as they deemed fit all shades of nonconformity, adultery, incest, fornication, and misbehaviours in marriage. Its only foundation was the supremacy of an imperious queen. It was a tribunal above all the statutes, laws, and customs of England, and constituted a *real* and *terrible Inquisition*, which brought many to ruin and to execution. Elizabeth often declared to the commons, that whoever did not conform to the Church, slandered her who was appointed *by God* supreme head over it; that the Romanists were the dangerous enemies of her person; and that all who presumed to exercise their private judgment censured the acts of the rightful sovereign, and were dangerous to the royal government.

In all the succeeding parliaments of her reign, she commanded implicit obedience to her supremacy in the Church, and rigid conformity to her will in all matters of religious ceremonials and doctrines. In the session which met in 1593, Maurice, Chancellor of the Duchy Court, a Puritan, spoke boldly for redressing abuses or oppressions in the Court of High Commission, and in the bishops' courts.* But the queen, by her ministers, not only sent him to prison, but she had a most severe law passed against recusants, entitled an "Act to retain her Subjects in their due Obedience,"† and setting forth in the preamble that it was enacted "to prevent the inconveniences and perils which might grow out of the wicked prac-

* D'Ewes.

† 35 Eliz., c. 2.

tices of seditious sectaries and disloyal persons." This new persecution was assented to by a House of Commons, terrified by the knowledge that they had no alternative if they refused but imprisonment, fines, and probably the confiscation of their estates.

By that act, among other provisions, it was declared, that any one above sixteen years of age, who refused for one month to attend the State Church, should be imprisoned. If at the end of three months he refused to conform, he should be exiled from the kingdom; and if he refused to leave, or if he returned from banishment, he should suffer for felony without benefit of clergy.*

We have thus reviewed the imperious and intolerant administration of Elizabeth, with regard to all who did not conform to the Church as established by law; and with respect to her policy in persecuting the Roman Catholics and the Puritans. If we impartially examine all the writings of that age, and especially the recorded laws and judgments of her reign; and if we equally disregard the scandals of her enemies, and the extravagant eulogy of her friends and parasites, there is abundant proof that her religious policy was neither influenced by piety, nor directed by the charitable, tolerant, and just precepts of Christianity. Her profound dissimulation, and her aptitude in lying,—her doubtful chastity, and her habits of swearing,—her faithless promises, and her perfidious diplomacy, are so thoroughly proved, that

* See Strype's Annals, D'Ewes, Heylin, Townsend, for details respecting the persecutions under the Ecclesiastical Commission, and this act. She, however, did order, that the payment of the pensions or provisions of such of the monks as were then living should be enforced, according to the settlement made by her father.

all impartial judges must stamp her character with immorality, vice, and falsehood, while we at the same time willingly admit the sagacity, intelligence, power, and success, although we condemn the tyranny of her arbitrary government.

During the long reign of Queen Elizabeth, the union of the State and Church rendered the monarchy nearly absolute; and reduced the constitutional power of parliament to an obedience to the *compound tyranny* of that union of political and ecclesiastical force which had been usurped and exercised by the crown.

But there is a point of servile depression in the political and moral ignominy of nations, below which the English peers and commoners never have sunk; and from which they have, oftentimes slowly, and sometimes more suddenly, yet always surely, risen up, until they have gradually redeemed and secured more liberty and independence than has been or is enjoyed by any other European kingdom. In the scale of political, civil, and religious liberty, the Tudors, and particularly Elizabeth, had, before the beginning of the seventeenth century, *awed* down the nation to that lowest point of political and civil degradation, beneath which it was impossible to confine the elasticity, vitality, and strength of that moral and physical energy which has ever characterised the Anglo-Saxon race.

Let us now review the government of Elizabeth, as far as the exercise of its authority interfered with the constitutional powers of both houses of parliament. In the three preceding reigns, a great number of nomination boroughs were erected by the crown,

especially in Cornwall, exclusive of the admission of about thirty new members, in a great degree nominated by the crown, from Wales and from the county and city of Chester.

The commons, during the first year of Elizabeth's reign, voted her a liberal subsidy. The next parliament, which met five years afterwards, granted her a subsidy, and passed laws for punishing those guilty of false prophecies, conjurations, enchantments, and witchcraft.* The convocation of the clergy also granted her a subsidy; but in the parliament which met in 1566, the commons having used *some freedom of speech* which displeased her majesty, she dismissed them, and warned the commons to beware of their future conduct. She also refused to receive the third payment of the subsidy which they granted, and, to flatter the people, she said "that money in her subjects' purses was as good to her as in her own exchequer."†

On the opening of the parliament which met five years afterwards, in 1571, the Lord Keeper Bacon said that the queen "enjoined them not to meddle with any matters of state." At that time the treasurer and the comptroller of the household conducted the business of the crown in the commons, and they upheld in this session the queen's authority "to be supreme." Strickland, who spoke with some boldness, was ordered not to appear again in the house; and on this invasion of the freedom of the persons of members, Carleton complained that the honour and rights of the house were invaded, and

* D'Ewes; Camden.

† D'Ewes.

defended Strickland. Yelverton, an able lawyer, more boldly denounced the precedent as dangerous to all liberty; and asserted that men sat not in that house in their private capacity, but as the elected representatives of the country; and, further, that as the sovereign could not make laws, neither could he break them. The treasurer then rose and warned the house to be cautious in their proceedings, and not to hazard their good opinion with her majesty. Another courtier, named Cleere, exclaimed that "the sovereign's prerogative is not disputable." Fleetwood then cited as examples of members, among others a speaker of the house in a former reign, being imprisoned for freedom of speech in the house; and he approved of those precedents, and advised the house to follow the example of their predecessors; then the speaker moved "to make stay of all proceedings;" which was agreed to.*

When the question of the monopolies, a most abominable prerogative exercised most corruptly by Elizabeth for raising money, was mooted by Bell, a Puritan, Sir Humphrey Gilbert, the renowned adventurer, spoke in the defence of the prerogative, and warned the house of the danger of listening to any speaking that would provoke that authority; for the queen might look to her own power, and, like Louis XI. of France, deliver the crown from wardship.

The house then dropped the subject; but soon after, Peter Wentworth said that Sir Humphrey's speech was an insult to the commons. Bell was sum-

* See D'Ewes.

moned to appear before the queen's council, and severely reprimanded for his speech in the commons. The lord keeper then admonished and warned the house not to offend the queen nor displease the council; for that questions respecting either the Church or the State were above their understanding; and threatened them with such correction as would reclaim their audacious, arrogant, and presumptuous folly. They might tan leather, mill woollen cloth, make preserves for pheasants and partridges, and repair bridges. Those members who were justices of the peace might, by martial law, summarily hang rioters and thieves, flog beggars, and exercise some other rural functions. In parliament they were only required to grant subsidies, and to pass laws of attainder, and such other acts as were prescribed by the sovereign, whose prerogative forbade them to originate any bill without the royal consent.

This parliament, besides the laws regarding the Church, which we have noticed, enacted that it was *treason*, during the lifetime of the queen, to affirm that she was not the lawful sovereign, or that any other possessed a preferable title, or that she was a heretic, schismatic, or infidel; or that the laws and statutes cannot limit the right and succession of the crown. The latter is a very remarkable admission, and intended not, it would appear, as acknowledging all power to be vested in the people, through their representatives in parliament, but in order to preserve Elizabeth against the danger, of which she was ever apprehensive and jealous, that of the doubtful legitimacy of her birth, and the undoubted legitimacy of Mary Queen of Scots.

It was also made a penal crime to affirm that any person, except the *natural issue* of her body, *is, or ought* to be the queen's heir or successor. *Natural issue* was substituted for *lawful issue*, under the assumption that the queen could have no other but legitimate progeny.

In the next parliament, which met five years afterwards, in 1576, Peter Wentworth, who had, as we have remarked, spoken so boldly respecting religious freedom, started, also, a few of those bold principles which, in a succeeding reign, agitated the whole kingdom; and which greatly enraged the queen, and caused him to be violently attacked in the commons. The VERY NAME of *liberty*, said he, is SWEET; but the THING *itself* is PRECIOUS *beyond the most* INESTIMABLE *treasure*. It behoved them to be careful, lest *satisfying* themselves with *the sweet name*, they forego *the precious substance*, and abandon what, of all earthly possessions, was of the highest value. Freedom of speech, a privilege useful to sovereign and subject, had formerly been essentially infringed, and was at present exposed to imminent danger. It had become usual, when any subject of importance was handled, *to surmise that these topics were disagreeable to the queen, and that proceeding in them would draw down her indignation. That Solomon had affirmed the king's displeasure to be a messenger of death; and that men, even though urged by conscience and duty, should stop short when exposed to so severe a penalty.* He then endeavoured to impress on the house, that, *by using such arguments, the house was incapacitated from serving the country, even from serving the queen herself; whose ears, besieged by pernicious flatterers, were thereby rendered in-*

accessible to the most salutary truths. That it was a mockery to call an assembly a parliament, and forbid it the privilege essential to its being so, and without which it degenerated into a school of untruth and servitude. That parliament was the guardian of the laws, and claimed the right to fulfil its trust, and uphold the authority of the laws, whence even kings have their being. That, as constituted by the laws, the king, though not dependent on man, was subordinate to God and the laws, and to make their presumptions, not his own will, the rule of his authority. That his commission as God's vicegerent enforced, and loosened not this duty, for he was invested with authority to execute on earth the will of God, which is nothing but law and justice. That these surmises of displeasure to the queen by their proceedings impeached all freedom of speech, a privilege granted by a special law. That these were dangerous and express invasions upon their liberties, by frequent messages from the throne, which absolutely inhibited the house from enlarging on any question ecclesiastical or civil, and debarring them from discussing those momentous articles. That the prelates, emboldened by royal protection, assumed a decisive power in all questions of religion, and required implicit submission of every man's faith to their arbitrary determination. That the love he bore his sovereign forbade him to be silent under such abuses, or to sacrifice his duty to servile flattery and complaisance. Finally, that as no earthly creature was exempt from fault, neither was the queen, and that in imposing this servitude on her faithful commons, she had committed a great and

*dangerous fault against herself, and the whole commonwealth.**

This speech was followed by the commons *sequestering* Wentworth from the house, and by committing him to the custody of the serjeant-at-arms. A committee, consisting only of members who were privy councillors, forgetting their own dignity and the privileges of parliament, brought him before them into the Court of Star Chamber. Here this intrepid and virtuous man boldly confronted them, and refused to give any account of his conduct unless they acknowledged that they acted, not as members of the privy council, but as a committee of the commons; and he manfully and clearly justified his freedom of speech. He was, however, sent to prison, where he remained a month; and then the queen was pleased to release, as she expressed it, "by her special grace and favour," the first of those who breathed, in the House of Commons, the intrepid, honest, and generous spirit which afterwards distinguished the Hampdens.

The Puritans, however, in the parliament which met in 1586, manifested a bigoted subserviency to the queen, by their savage impatience in confirming, together with the other members of both houses, the sentence of death passed on Mary Stuart; and Elizabeth's reply to the request of the parliament for the immediate execution of the "*Papist*" Queen of Scots, forms a specimen of the most disgusting hypocrisy.

In the parliament, which she felt herself under the necessity of assembling in 1593, in consequence of

* D'Ewes, pages 236, 237.

the expenses of the war against Spain, the queen treated the commons with the most absolute and haughty insolence; and certainly, while she manifested her own despotism over them, they crouched and exhibited their weakness or servility to her before all England, and, in history, to the world. When Sir Edward Coke, speaker of the commons, beseeched her majesty, as was usual since the days of Richard II., for freedom from arrests, access to her majesty, and liberty of speech, she replied to him, through her organ, the lord-keeper, Puckering, "that liberty of speech was granted to the commons, but they must know what liberty they were entitled to,—not a liberty for every one to speak what he listeth, or what cometh in his brain to utter. Their privilege extended no further than a liberty of Aye or Nay." That she enjoined Master Speaker, if he perceived *any idle heads so negligent of their own safety as to attempt reforming the Church or innovating in the commonwealth, that he should refuse the bills exhibited* for that purpose till they were inquired into by persons better fitted to consider and judge of them; that she would not impeach the freedom of those members, but they were warned, lest, under *colour* of this privilege, they imagined that any neglect of their duty could be sheltered or protected. As to access to her majesty, they would not be denied on needful occasions; but only then at such times as she could spare from the more weighty affairs of her realm.

Peter Wentworth was not, however, daunted by these menaces; and he actually drew up a petition from both houses of parliament to the queen, praying

her majesty to settle the succession to the crown. Elizabeth was then old,—could have no heirs of her own body, and no question was at the time more alarming than that which involved the uncertainty of the character of the person that was to succeed a queen who had rendered the government nearly absolute. The language of the petition was as respectful as if it had been addressed to a deity, instead of to a human sovereign. But Wentworth was sent to the Tower; his seconder, Sir Thomas Bromley, with two other members to whom Sir Thomas had been seen or heard to disclose his intention, were sent to the Fleet, at that time the most loathsome and unhealthy of English prisons.

When they had remained a fortnight in prison, a motion was made in the house to petition the queen for their release. The privy councillors refused to accede, and declared that she would only let them free when it behoved her to do so of her own free grace; and that the interference of the commons would prejudice the prisoners. The house submitted. But the Puritans were not daunted. They acquiesced for the time in silence, but they nursed their indignation, and their wrath grew strong under the guise of tranquil solemnity.

Elizabeth, notwithstanding her arbitrary and insulting language to her parliament, continued during nearly the whole of her reign the most popular sovereign that ever sat on the throne of England. The nation had been inured so long to despotism, the people were so generally uneducated, and the commons yielded so humbly and readily to her wishes or threats, that Hume observes, “the precious spark of

liberty had been kindled and preserved by the Puritans alone; and it was to this sect, whose principles appear so frivolous, and habits so ridiculous, that the English owe the whole freedom of their constitution."

But a more sturdy spirit began to manifest its power. Two years before the death of Elizabeth, the majority of the commons were, by the wrongs suffered by their constituents, and by their own sense of the injustice and pernicious effects of the arbitrary power which had been exercised by the queen, and meanly submitted to by the country, animated by that zeal which distinguished the Puritans during the two following reigns, until they acquired a complete ascendancy over both the Church and the monarchy. This power they never would have acquired if the crown had not persevered with obstinate folly in opposing the royal prerogative to the just and natural rights and liberties of the people, and to the growing intelligence of the citizens and gentry, acquired by trading intercourse, new discoveries, and printed books.'

Elizabeth, however, by her whole policy, and the spirit of her administration—while she denied the peers, commons, and the people all religious and civil freedom, accelerated more than any other English sovereign the progress of civil liberty and religious emancipation. Hume judiciously and impartially observes, "that in order to understand the ancient constitution of England, there is not a period which better deserves to be understood than the reign of Queen Elizabeth." But he speaks mildly of this princess when he says, "the great popularity which

she enjoyed proves that she did not *infringe* any of the established liberties of the people." He previously says with truth, that "the parties among us who have distinguished themselves by their adhering to liberty and a popular government, have long indulged their prejudices against the succeeding race of princes, by *unbounded panegyrics on the virtue and wisdom of Elizabeth*, and to extol her for a quality which of all others she was least possessed of—a *tender regard for the constitution, and a concern for the liberties and privileges of her people*. But Elizabeth only supported the prerogatives transmitted to her by her predecessors; she believed that her subjects were entitled to no more liberty than their ancestors had enjoyed; she found that they entirely(?) acquiesced in her arbitrary administration; and it was not natural for her to find fault with a form of government by which she herself was invested with such unlimited authority."*

These remarks are true as to the prerogatives which were *established, in practice*, by Henry VII. and Henry VIII.; but the prerogative was strained by Elizabeth with regard to the House of Commons, and to all who dared to dispute the arbitrary authority of the crown, far beyond the boundaries of the ancient constitution;† and this fact can only be denied by obliterating Magna Charta and the 25th and 34th of Edward I., and many other laws, from the statutes of England.

The prerogative of Queen Elizabeth, which she, in

* Hume, vol. v., p. 451, 452.

† By the ancient constitution we mean that which existed before the constitution of England received the form it has acquired since the sitting of the Long Parliament.

a message to the commons, called "the chief flower in her garden, and principal and head pearl in her crown and diadem,"* usurped authority over all laws and the acts of the parliament. Her lawyers, statesmen, and courtiers contended, and the commons, with the rare exception of a few members, such as Wentworth, were terrified into the admission, that by her prerogative she might *let free all that was restrained by law or practice; and that she might restrain all that was at liberty by law or usage; that her prerogative admitted of no limitation; that by her dispensing power she might loosen herself from all acts of parliament, even from an act, if specially passed, abolishing that dispensing power; and that the royal prerogative was so holy as not to bear examination, dispute, or discussion.*†

When we consider the authority of the tribunals, and the conduct of the privy council of Queen Elizabeth, we need scarcely be surprised at the arbitrary power which she exercised. In the Star Chamber, when she was present, her authority was absolute and unlimited; when absent, that power was vested in her privy councillors. This court alone was sufficient to suppress all liberty, to imprison, and punish; for its mandates were terrible, and no one ever dared to resist their execution. As far as civil liberty was concerned, neither Russia, Turkey, or Spain have ever had a more despotic

* In 1598, when she was sixty-five years old.—D'Ewes, p. 547.

† D'Ewes, p. 649. "The queen's prohibition of the *prophesyings*, or the assemblies instituted for fanatical prayers and conferences, was founded on a better reason, but shows still the unlimited extent of her prerogative. Any number of persons could not meet together in order to read the Scriptures, and confer about religion, though in ever so orthodox a manner, without her permission."—Hume, vol. v., p. 464.

court. The Court of High Commission, or the English *Court of Inquisition*, determined *what was and what was not heresy*. It tortured, fined, imprisoned, and otherwise punished, according to its caprice, arbitrary jurisdiction, and inquisitorial powers. It was a favourite tribunal of the queen, by which she at one time deprived or suspended one-third of the clergy of England for nonconformity. "*I will*," said she, writing to the Archbishop of Canterbury, "that no man should be suffered to *decline*, either on the right or on the left hand, from *the drawn line, limited by authority and by my laws and injunctions*."*

Then came courts-martial for the summary trial and execution of aiders, abettors, or rebels. Its decisions were put summarily in force on the occasion of common riots. An insurrection in the north, for which about eight hundred persons suffered, occasioned Elizabeth to reprove Essex, in angry terms, for not executing criminals by martial law.† She even went so far as to bring under martial law, by proclamation, the importers of bulls and forbidden books; by warrant and imprisonment, without limitation as to time, and without remedy by law, she often filled the prisons; and innocent persons were loaded with irons in loathsome dungeons. The rack was frequently employed during [her reign to extort confessions.

Elizabeth was especially incensed when any book which was printed, even in the most remote way contained any sentence about religion, that would seem to doubt the doctrine of passive obedience, the

* Murden, p. 183.

† Lord Royston's Collection of Manuscripts, quoted by Hume.

denial of which she construed into treason.* No man who was prosecuted by the crown had the least chance of escaping condemnation. Witnesses were not confronted with the accused. Juries might be fined and imprisoned for giving a verdict contrary to the instructions of the judges, and the judges held their offices only during the pleasure of the queen.

It would be endless to enumerate the means of oppression possessed and practised by Queen Elizabeth and her father. Men were, without redress, violently seized for the sea and land service. Persons of distinction were forced, in order to remove them, to accept disagreeable and degrading employments; she extorted loans, for which she paid no interest; and she laid embargoes on the sale of silks and other goods imported until the court was first supplied. She victualled her navy by the arbitrary custom of purveyance; obliged the country to levy

* Strype. Bacon, in his "Cabala," p. 81, informs us: "The queen was mightily against Haywarde, on account of a book he dedicated to Lord Essex, being a story of Henry IV., thinking it a seditious prelude to put into the people's heads boldness and faction. She said she had an opinion that there was treason in it, and asked me if I could not find any place in it that might be drawn within the case of treason? Whereto I answered, 'For treason, sure I found none, but for felony very many;' and when her majesty hastily asked me, 'Wherein?' I told her the author had committed very apparent theft; for he had taken most of the sentences of Cornelius Tacitus, and then translated them into English, and put them into his text. And another time, when the queen could not be persuaded that it was his writing whose name was to it, but that it had some more mischievous author, and said, with great indignation, that she would have him racked to produce his author; I replied, 'Nay, madam, never rack his person but rack his style. Let him have pen, ink, and paper, and help of books, and be enjoined to continue the story where it breaketh off, and I will undertake, by collating the styles, to judge whether he were the author or no.'" Hume observes, that if it had not been for Bacon's humanity, or rather his wit, this author, a man of letters, had been put to the rack for a most innocent performance. His real offence was, his dedicating a book to that munificent patron of the learned, the Earl of Essex, at a time when this nobleman lay under her majesty's displeasure.

troops; she sometimes, but not often, prevented the trial of persons by warrants.

By economising the crown revenues, to which at that period, and during the two succeeding reigns, were arbitrarily added the tonnage and poundage levied on foreign trade; and by even selling crown lands and jewels, and by borrowing, Elizabeth endeavoured to maintain her high prerogative, independently of subsidies from parliament. It is also remarkable that she never received, like most of her royal predecessors, a subsidy as an appendant to any relaxation of her assumptions. She would never allow it to be understood that any act of mercy, or any privilege, was accorded in any other sense than that of her own free will and grace.

To venerate the *justice* of Queen Elizabeth would be to admire the most corrupt gifts which a sovereign could bestow on favourites, and even on her faithful servants, at the expense of equity, and of the labour, trade, and essential nourishment of the people. Rather than yield up any portion of her royal prerogative, she would not, as we have already stated, place her confidence in parliament for an increase to her revenue sufficient to cover her ordinary expenses, much less for money to reward, or even justly pay those who served her; but she managed to do so until within two years of her death by the expedient of granting her favourites and servants monopolies of the manufacture and sale of salt, lead, steel, iron, coals, saltpetre, gunpowder, sulphur, calamine, potashes, bones, horns, furs, calf-skins, poltdavies, distilled spirits, aniseeds, vinegar, train oil, blubber, other oils, currants, starch, paper, cards, glass, pots,

bottles, brushes, new drapery, cloth lists, dried pilchards, and many other articles. Also the right to carry her ordnance, beer, horns, leather, &c., and the importation of Spanish wool and Irish yarn.

These monopolies raised the prices of all articles, and of many to ten times their natural market price; but the queen disregarded all remonstrances until the enormous cost of the war of the rebellion in Ireland, which had been successfully terminated in 1601, rendered it indispensable for her to summon a parliament in order to obtain subsidies.

The Puritans resolved to profit by the queen's necessity, for they knew well that she would never abate a particle of her prerogative in her prosperity; and, as she was not likely to live much longer, they also resolved to give an instructive lesson to whoever was to succeed her. The commons, however, proceeded first to grant her a supply; which was unprecedented in its amount, being no less than four subsidies, and eight-fifteenths. They knew well that they never could obtain from her any concession while they held her under restraint with regard to the real cause, which forced her to summon the parliament. Having, therefore, provided a munificent supply to the queen,* the question of the

* "When the question of the subsidy was before them, Mr. Serjeant Heyle said, 'Mr. Speaker, I marvel much that the house should stand on granting of a subsidy, or the time of payment, when all we have is her majesty's, and she may lawfully at her pleasure take it from us; yea, she hath as much right to all our lands and goods as to any revenue of her crown.' At which all the house hemmed, and laughed, and talked. 'Well,' quoth Serjeant Heyle, 'all your hemming shall not put me out of countenance.' So Mr. Speaker stood up, and said, 'It is great disorder, that this house should be so used.' So the said serjeant proceeded, and, when he had spoken a little while, the house hemmed again; and so he sat down. In his latter speech, he said he could

monopolies was at once boldly moved and argued. When the long list of articles was read, a member asked *if bread* was not included. "Bread!" was echoed by several members. "Yes," said he,—“yes, if we go on at this rate, bread will be introduced before we meet again.” A remarkable debate followed; the minutes of which are transmitted to us by D'Ewes. They are curious, as showing what was the spirit and language of the House of Commons at that period. When a bill was introduced by Mr. Hyde, entitled “An Act for the Explanation of the Common Law in Cases of Letters Patent,” he was opposed by Mr. Spicer, who contended that “the bill might touch the prerogative royal; which was so transcendant that the soul of the subject could not aspire thereunto; for it was far from him that the prerogative royal of the prince should be tied by the act of the subject.” And Francis Bacon argued that “the queen had both an *enlarging* and *restraining* power, and that the prerogative was not to be discussed.”* On which Mr. Bennet said, “He that goeth about to debate her majesty's prerogative need to walk warily.” Mr. Hyde replied, “I made the

prove his former position by precedents in time of Henry III., King John, King Stephen, &c., which was the occasion of their hemming.”—D'Ewes, p. 633.

* Bacon's words, as given by D'Ewes, are: “As to the prerogative royal of the prince, for my own part I ever allowed of it; and it is such as, I hope, will never be discussed. The queen, as she is our sovereign, hath both an enlarging and restraining power. For by her prerogative she may set at liberty things restrained by statute law, or otherwise; and secondly, by her prerogative she may restrain things which be at liberty. For the first she may grant a *non obstante*, contrary to the penal laws; with regard to monopolies, and such like cases, the case hath ever been to humble ourselves unto her majesty, and by petition desire to have our grievances remedied, especially when the remedy toucheth her so nigh in point of prerogative. I say, and I say it again, that we ought not to deal, to judge, or meddle with her majesty's prerogative. I wish, therefore, every man to be careful of his business.”

bill, and far be it from this heart of mine to think, this tongue to speak, or this hand to write, anything either in prejudice, or in derogation of her majesty's prerogative royal and the state." Serjeant Harris thought the house should move that the bill ought to be in the form of a petition, and then to begin with "*more humiliation*." Mr. Montague said: "The commons petitioned without success in the last parliament; that the bill was good, and the grievances great." Mr. Francis More remarked: "I know that the queen's prerogative is a thing curious to be dealt withal; yet all grievances are not comparable. I cannot utter with my tongue, or conceive with my heart, the great grievances that the town and country for which I serve suffereth by some of these monopolies. It bringeth the general profit into a private hand; and the end of all this is beggary and bondage to the subject. And to what purpose is it to do anything by act of parliament, when the queen will undo the same by prerogative? Out of the spirit of humiliation, Mr. Speaker, I do speak it, there is no act of hers that hath been, or is, more derogatory to her own majesty, more odious to the subject, more dangerous to the commonwealth, than the granting of these monopolies." Mr. Martin said: "I do speak for a town that grieves and pines—for a country that groaneth and languisheth under the burden of monstrous and unconscionable *substitutes* to the monopolitans. The principalest commodities, both of my town and country, are *engrosted* into the hands of these bloodsuckers of the commonwealth. The traffic is taken away—the inward and private commodities are taken away, and dare not be used

without the license of these monopolitans, who have the warrant of supreme authority, which the poor subject durst not gainsay." A courtier replied: "We know the power of her majesty cannot be restrained by any act; why, therefore, should we thus talk?" Mr. Downland said: "As I would not be vehement in anything, so I am not sottish or senseless of the common grievance of the commonwealth;" and he then argued for the bill, and against proceeding by petition. Sir Robert Wroth said: "I speak it boldly, these patentees are worse than ever they were." Mr. Hayward Townsend argued strongly for the repeal of all monopolies, but wished to defer them by suit to her majesty, so as not to invade the cause so nearly touching her prerogative. The debate being adjourned to the following day, Mr. Spicer contended that an act of parliament could not bind the queen. Mr. Davis said: "*Dixi quod Dii estis*—the kings of England were absolute sovereigns, and God hath given to absolute princes that power which He attributed to himself." Mr. Secretary Cecil, so famed as a statesman, will gain no additional fame from the following extract from the Journals of the Commons:—"I am," said he, "servant to the queen, and before I would speak and give consent to a case that should debase her prerogative, or abridge it, I would wish that my tongue were cut out of my head. I am sure there were lawyers before there were laws (intimating that the queen was above all laws). If you stand upon law and dispute of the prerogative, hark ye what Bracton says—*Praerogativam nostram nemo audeat disputare*. And you, Mr. Speaker, should perform the charge her majesty gave unto you

in the beginning of this parliament—not to receive bills of this nature, for her majesty's ears be open to all grievances, and her hands stretched out to every man's petitions. (?) When the prince dispenses with a penal law, that is left to the alteration of sovereignty—that is good and irrevocable." Mr. Montague said, "I am *loth to speak what I know, lest I should displease*." The prerogative royal is that which the laws of the land have ever allowed and maintained. Let us apply by petition."

These speeches were repeated to the queen, and in order to stop the house proceeding with the bill, she considered it *fit*, or prudent, to send a message to the speaker, that out of her own free will and grace she had revoked most of the patents.

When the speaker announced this *gracious condescension* of her majesty, the whole house rose in admiration and gratitude. One member exclaimed, that he was overwhelmed with as much joy as if he had received from Heaven an act of eternal redemption and happiness. Another declared the message a gospel of glad tidings. The speaker and a committee of members were appointed to wait on and thank the queen. After remaining some time before her on their knees,* the speaker expressed the gratitude of the commons for her *ever open ears, preventing grace*, and *all discerning goodness*, which watched over them for their good, more ready to give than they could desire, or did desire. He concluded in phraseology more blasphemous than ra-

* Even Elizabeth and her sister Mary kneeled when they approached their brother, Edward VI., after he ascended the throne.

tional—more like the praises bestowed by prostrate sinners on canonized saints.

Notwithstanding all the despicable servility and flatteries of the commons, it became evident to the queen that there had grown up in this her last parliament an indomitable spirit of resistance. In truth, it was in this House of Commons that England's intellect became first stamped with that sentiment of natural right which marked the point of freedom's reaction against arbitrary prerogative. It continued making sure progress from the day in the first year of the seventeenth century, when Elizabeth, with that sagacity which scarcely ever forsook her in her need, judged it far wiser, gracefully, to abolish the monopolies and to abate the prerogatives, rather than risk the danger of a contest in her old age with her people and the Commons' House of Parliament.

Nor could she fail to experience the mortification, as she grew feeble in body, of the ingratitude of her courtiers. They spoke openly in praise or flattery of her legitimate successor, the King of Scots. They corresponded secretly with him. Even Cecil began to look forward to and skilfully cultivated a flattering correspondence with James. The people, also, whom she addressed familiarly during a long reign, as peculiarly their queen, seemed to grow weary of her length of days,—to pant for a change, and to wish for her descent from the throne into the sepulchre of all the Tudors. These realities weighed oppressively on her proud heart. In the bitterness of sorrow, and the sadness of a wounded spirit, her intellect preserved to the last the vigour of that judgment which had through life distinguished this

great princess. But gloom overwhelmed all that she could perceive in the remaining days of her reign; she sunk into a state of desponding melancholy; her constitution lost its strength; and, in the 70th year of her age, and 45th of her reign, she expired in tribulation at the old palace of Richmond.

To say that Elizabeth was not a great monarch would be unjust; to hold her up for example as a good queen would be untrue. She possessed some of the highest intellectual and sovereign qualities that ever were bestowed on a human being; she cherished and practised many of the vices and passions which render human nature wicked, odious, or ridiculous. Nor is there proof wanting that she was, in her mind and heart, capable of committing the most heinous crimes. In her domestic policy, while she used every shade of address, in order to be considered the queen of the people, she invariably acted with firmness in all public affairs; and, considering the absolute and severe nature of her administration, with remarkable discretion; nor ought we, in our blame or in our praise, to forget the manners of the people and the ideas of the age in which she reigned. In her foreign policy, the safety and peace of her kingdom, and the security of her own power, were the principles by which she was under every circumstance actuated. When we consider the power of Philipp II., his ferocious hostility to the Protestant religion, and his unwearied animosity to England, which he, at one time, expected to have added to the number of his kingdoms; when we add, the turbulent condition of Scotland, and the power in France of the Guises, who were at the same time her relentless enemies and the near relatives of her

rival, Mary Stuart, we cannot, while we condemn her arbitrary spirit and her vice of dissimulation, but regard with astonishment the foreign policy of Queen Elizabeth.

Her early aid in supporting the Huguenots, and their putting in the possession of her forces the port and citadel of Havre de Grace, which was to compensate for the loss of Calais, were not attended with advantage to the former, nor with success to England; for her forces were compelled to evacuate that garrison and port. But the vigour of her administration, and the bravery of her captains in the wonderful maritime preparations which enabled her navy to defeat the Spanish Armada, will ever remain the most glorious event in the maritime history of England. It was glorious and just, inasmuch as it was not like most of our other battles, aggressive, wanton, ambitious, and unnecessary. It was purely defensive; and the triumph of her fleets saved England from the vengeance of a tyrant.* We cannot,

* Queen Elizabeth's speech in the camp of Tilbury, before the Spanish invasion, is remarkably illustrative of her character:—"My loving people, we have been persuaded by some, that are careful of our safety, to take heed how we commit ourselves to armed multitudes, for fear of treachery; but I assure you, I do not desire to live to distrust my faithful and loving people. Let tyrants fear; I have always so behaved myself that, under God, I have placed my chiefest strength and safeguard in the loyal hearts and good-will of my subjects. And, therefore, I am come amongst you at this time, not as for my recreation or sport, but being resolved, in the midst and heat of the battle, to live and die amongst you all; to lay down, for my God, and for my kingdom, and for my people, my honour and my blood, even in the dust. I know I have but the body of a weak and feeble woman, but I have the heart of a king, and of a king of England, too; and think foul scorn that Parma or Spain, or any prince of Europe, should dare to invade the borders of my realms; to which, rather than any dishonour should grow by me, I myself will take up arms; I myself will be your general, judge, and rewarder of every one of your virtues in the field. I know already, by your forwardness, that you have deserved rewards and crowns; and we do assure you, on the word of a prince, they shall be duly paid you. In the mean time, my lieutenant-general shall be in my stead, than whom never prince commanded a more noble and

however, deny that Philipp was, by the laws of war, fully justified in sending a fleet to crush the power of Elizabeth. She had not only for a long time secretly encouraged the revolt of his subjects in the Netherlands, but she sent troops, under the command of her favourite or paramour Leicester, to fight against him in the Netherlands. Her sea-captains plundered his American settlements, invaded the coasts of Spain, and seized his galleons. These were mortifications which could not be endured by any monarch of spirit or power; far less by a haughty, bigoted, and powerful tyrant. Had he not afterwards to employ all his forces against his own subjects and the French, it is probable that he would a second time have fitted out another armada, far more powerful than the one which had been defeated.

We are unable to advance any fair justification for the other naval expeditions of her reign; nor can there be any good *national argument* for her sending an expedition against the imperial armies in Flanders, in order to aid the Dutch. The expeditions of Hawkins and Drake, and other sea-captains, can scarcely be classed higher than the depredations of pirates on private property and life, whether on land or at sea. The other bold navigators of this reign were, however, distinguished by that daring hardihood which has ever since characterised British seamen, and it gave force and spirit to those enterprises which led Englishmen and English ships to America, Africa, and Asia, and to

worthy subject; not doubting, by your obedience to my general, by your concord in the camp, and your valour in the field, we shall shortly have a famous victory over those enemies of my God, of my kingdom, and of my people."

plant colonies and commercial factories in each of those quarters of the globe.

Elizabeth was vain, often to frivolity, especially in believing herself beautiful and graceful, while, in fact, she was masculine and dignified. If she was chaste, which is doubtful, she was certainly not modest either in speech or behaviour; neither were the manners of England at the time. Her favourites, especially Leicester, the descendant of Henry VII.'s notorious lawyer, Dudley, and the murderer of his wife, Amy or Amelia Robsart, was possibly the most profligate man in Europe. She loved flattery; and her courtiers feigned love for her person when she was more than sixty years old. The courtly Raleigh, when she was sixty-five, and he in disfavour, while Essex was the favourite, could afford to write for her eyes and ears, "that in his absence from her, his heart was broken and cast into the depths of misery; he who had seen her riding like Alexander, hunting like Diana, walking like Venus, the gentle wind blowing her fair hair about her fine cheeks like a nymph; sometimes sitting in the shade like a goddess; sometimes singing like an angel; sometimes playing like Orpheus!" When she was sixty-six, toothless, wrinkled, and scraggy, this Orpheus, goddess, Venus, Diana, and Alexander, received letters from her ambassador at Paris, conveying expressions of flattery, purporting to have been said in praise of Elizabeth's charms and beauty by Henry IV., quite as ridiculous as those written by Raleigh.* In these letters, she is described as a beautiful and transcendent angel in comparison with

* Murden, p. 657 and 718.

his fair Gabrielle. But all her numerous frailties as a woman will never displace her name in history, as one of, if not the greatest of, England's and Ireland's sovereigns.

The darkest pages in the reign of Queen Elizabeth are those which will at all times in English history record her imprisonment and judicial murder of Mary Stuart. Paulet and Drury were repeatedly instructed to murder the Queen of Scots privately, at Fotheringay; and when Paulet refused to commit so foul a crime, she called him "*a precise and dainty fellow.*" We are not of that number who would draw the Queen of Scots as an immaculate beauty, although we believe, in the words of Brantôme, *that no one ever beheld Mary's person without admiration and love; that no one will ever read her history without sorrow.* She was bred in the most brilliant, and in that age the most perfidious, court in Europe. It was distinguished in its councils, courts, and saloons, for all the characteristic dissimulation of the *Medicii* and the perfidy of the Guises; neither of who accounted truth, honour, or morality, among the number of courtly virtues. No king like Henry IV., whose word was a bond of honour, nor a minister like Sully, who made justice his maxim of administration, had then appeared in France.

The Guises, the family to which Mary was allied in blood, and the *Medicii*, with whom and the Lorraines she was educated, and the whole royal household, breathed the spirit, and practised the manners, of the degenerate, treacherous, and voluptuous Florentine court. It would have been almost miraculous, if a young and beautiful queen, married,

when a child, to a sickly boy-king of France, the son of Catherine de Medici, could have escaped the surrounding contagion. It is, indeed, more wonderful that she acquired in language, learning, and manners, those accomplishments which rendered her beauty and her conversation irresistible.

From that brilliant and fascinating court, and still very young and beautiful, she was suddenly removed to reign as a queen, among a savage nobility, a rude people, and a solemn worship; nor had she even the advantage of the counsels of her artful and political mother, when she arrived in the least attractive capital in Europe. Mary's own religion was neither a vice nor a fault in her as a queen, or as a woman. It was the religion of her mother and of her education. It was dramatic, attractive, and consolatory. To her, as to all sincere Catholics, the reformed religion, especially that of Geneva, which was transplanted into Scotland, was gloomy and repulsive. Could it have been expected that so young a person should all at once become a philosopher, a logical reasoner, and a theological expounder of points of doctrine? If not, her conversion to Calvinism would have been like that of many other sovereigns—an hypocritical formality; and we consider that her steadfast adherence to the faith of her family to the day of, and at her execution, affords the strongest proofs of her piety and sincerity, and of her innocence of the charges with which she was accused, and for which she was, without proof, murdered. Can we wonder that Mary had her frailties,—that, in the barbarous society amongst which she was cast, she committed some acts of indiscretion, and possibly, within her own kingdom, some of guilt?

Admitting she had, the brutality of her subjects can never be justified; much less can Elizabeth be pardoned for imprisoning her cousin for eighteen years, nor for executing her, even if every charge against Mary, and if her encouraging Babington's conspiracy, had been true and fully proved.

In order to effect her escape from prison,—in order to redeem her rights, Mary had all natural law and legitimate justice in her favour,—even to carrying into effect the death of those who held her in bondage. Elizabeth hated Mary for her enchanting beauty and fascinating accomplishments. She dreaded her as a competitor for the crown, and she had her tried and executed to remove the jealousy and terror which her existence in life created. It was a dangerous experiment. Half the kingdom, at least, were at heart Roman Catholics; and, if the Puritans, although Elizabeth hated them, had not formed a great majority in the commons, and petitioned for the death of the Papist Stuart,—if France had not, at the time, been disordered by civil war,—and, above all, if Mary's son, then King of Scotland, had not been a mean prince and despicable man,—it is probable that the murder of the Queen of Scots would have overthrown the power of Queen Elizabeth.

Fortunately for the nation, James had neither the natural affection nor the spirit,—the Catholics had not the courage,—and the Guises had not the power, to involve England in the calamities and horrors of civil war; and the successor of the last of the Tudors ascended the throne with the open, or tacit, consent of the whole kingdom.



CHAPTER X.

THE CONDITION OF ENGLAND UNDER THE TUDORS AND ON THE
ACCESSION OF JAMES VI. TO THE BRITISH THRONE.

I.—DOMESTIC MANNERS.

THE manners, the dwellings, the customs, the amusements, and the food of the court, aristocracy, and the people of England, during the dynasty of the Tudors and on the accession of James I., afford a contrast almost incredible to the social condition of England during the eighteenth and in the present century. Great changes, it is true, were introduced in the reign of Queen Elizabeth, especially after the extension of commerce and the long voyages which were made by her naval and commercial adventurers. In the reigns of Henry VII. and VIII. the dwellings of the people were rude in their construction, and filthy in their interior. The apartments even of the gentry and nobility were seldom well aired, washed, or cleansed. The dust and dirt accumulated within their houses, and reposed for months under the rushes or hay which were strewed over the floors. The chroniclers of those days do not conceal facts relating to the habits and dwell-

ings of the English people which would shock the senses and ideas of a common gardener or mechanic of the present day. No dwelling, from castle to cottage, had carpets, water-pipes, water-closets, or sewers. The streets of the towns were filthy, the evaporation contaminated the air, and when we consider the coarse diet and the disregard for personal cleanliness which then prevailed, we are not surprised that the epidemics then called plagues were so fatal in the time of Edward VI., when the sewer called the Town Ditch was *once* cleansed at the expense of the city companies. Among other diseases, that called the "Jail Distemper" was common, and proved fatal in London, Oxford, and other towns. Erasmus, who lived at that time in England, says that "the dirty slovenly habits and nastiness of the people were the cause of frequent plagues in England."* He says, "the floors are commonly of clay, strewed with rushes, under which lie, unmolested, an ancient collection of spilled beer, grease, fragments, bones, spittle, excrement of dogs and cats, and everything that is nasty." Hollinshead remarks, in alluding to three things which had recently arisen—one of which was the multitude of chimneys—"that previously to the reign of Queen Elizabeth there were not above two or three, if so many, in the most uplandish towns of the realm—the religious houses and manor palaces of their lords always excepted, and peradventure some great personage. That each made his fire against a *reredosse* in the hall, where he dined and dressed his meat. That our fathers and we ourselves have rested on straw covered only with a sheet, under a covering made

* Eras. Epis.

of *dagswaine*, or *hope harlots*, and a good round log under their head instead of a bolster. If the good man of the house had a mattress and cloth-bed, and a sack of chaff to rest his head upon, he thought himself to be as well lodged as the lord of the town. Pillows were thought meet only for women on childbed. It was well if servants had any sheet above them, for they seldom had any on their beds to keep them from the pricking straws that raised their hardened hides."

The third innovation that he laments "is the change of *treen* or wood platters for pewter, and wooden spoons for silver or tin. Many were contented to dwell in houses built of sallow willow and clay, so that the use of the oak was in a manner dedicated to churches, religious houses, princes' palaces, and building ships. When our houses were built of willow, then had we oaken men; but now that our houses are come to be built of oak, our men are become willow and men altogether of straw, which is a sorry alteration. Now have we many chimneys, yet our tender loins complain of rheums, catarrhs, and *poses*. Then had we reredosses, and our heads did never ache. Smoke, which in those days was a sufficient hardening for the timber of the house, was also reputed a far better medicine to keep the good man and his family from the quacks or *pose*. Our pewterers, in times past, used pewter only for dishes and pots, and a few other trifles; now they are grown into such exquisite cunning, that they can imitate by inventions any fashion of cup, dish, saltbowl, or goblet which is made by goldsmith's craft." During the reign of Henry VIII. the luxury and splendour dis-

played in the palaces of Cardinal Wolsey was, to some extent, imitated, on a small scale, by such of the nobility as had residences in London, and by some of the lawyers and merchants who had accumulated what were then termed considerable fortunes. In 1550, as a precaution against plagues, new houses were forbidden to be built in or within three miles of London, and not more than one family was to be permitted to dwell in one house. But in 1594 more than 28,000 persons, and three years afterwards nearly 18,000 more, were carried off by epidemics which raged in London. The houses, even then in many parts of London, were constructed of wattle, daubed over with clay to close the apertures, and to keep out the wind; and it was only in that year that the idea of conveying water by pipes was entertained, and an engine erected for the purpose by Bevy's Bulman at Broken Wharf, on the Thames.*

The richest nobles, however, had, before the end of the sixteenth century, great quantities of massy but clumsy plate. Generally, the first families either used pewter dishes or hired them. Rudely made knives and spoons were common, but fingers were used instead of forks, which were then unknown in England. Some of the castles of the nobility were huge inelegant structures of oak and clay, or of brick

* In 1525, the year that Wolsey gave his palace at Hampton Court to the king, it is said the rhyme was made—

“Turkeys, carps, pippins, and beer
Came into England all in one year.” [Nonsense.]

Beer and strong ale was long the English favourite Saxon drink; and Chaucer rhymes more truly where he says—

“That at the Talbard with which I woll
Now quit the knight's tale,
Our host saw he was drunken of ale.”

and stone; the windows were only partially glazed. The cookery still continued rude; and it appears, from the household book of one of the most powerful and feudal barons, the Earl of Northumberland, who resided at his castle, Yorkshire, in the early part of the sixteenth century, that his household, including daily strangers who received hospitality according to the custom of the age, numbered about 220 persons, who dined within the castle; that he had two cooks, eleven priests, and seventeen chanters and musicians; and that he hired the pewter utensils for his tables, for it appears that he had no silver. Wine and beer were the drinks. The earl and countess had on their special table, at seven o'clock, for breakfast, a quart each of wine and beer, six red herrings, two pieces of salt fish, four white herrings, or a plate of sprats; and on flesh days, half a chine of mutton or a chine of beef, boiled. For at least half the year the animal food consisted chiefly of salted mutton and beef, and, except for the lord's family, and knights or upper servants, all the rest of the household lived chiefly on salt meat and fish, and bread throughout the year. The servants had each an allowance of rather more than a quart of ale daily. A great quantity of mustard was used to qualify the salted food. Ten tuns of Gascony wine were annually consumed. The family rose to attend mass at six in the morning, breakfasted at seven, dined at ten, supped at four in the afternoon. The gates were always shut at nine o'clock. The castle must have been ill lighted and warmed, as there were only 1092 candles used during the year,—and those not large: being less than three candles for

each day. Nor was the fuel for twenty-four chimneys scarcely equal to what six consume now in England.*

As to the luxury of linen in this baron's household, the whole quantity allowed per annum was seventy ells. It appears to have been made up into eight tablecloths for the lord's table, and one tablecloth for that of his squires or knights. As only forty shillings per annum was allowed for washing, and that chiefly for the chapel linen, we may form an idea of the uncleanness of their tables, bedding, and apparel. The greatest economy was observed with regard to the number and price of poultry and pigs for the earl's table. Whenever the lord and his lady travelled, they were accompanied by their retainers and servants, and the furniture was conveyed from the one to the other of his three country seats in Yorkshire, in seventeen carts and one waggon. He and his family rode on horseback. This furniture included beds, bedding, tables, chairs, benches, and kitchen utensils for his numerous household; and being exposed to the weather during the journey, and the jolting of abominable roads, those articles must have been of a strong and rude description.

It would appear that most of the other nobility were scarcely better provided for during the first part of the sixteenth century. But before the end of the reign of Queen Elizabeth, the riches acquired by captures made by English adventurers, and the gorgeous displays made by some of the higher barons, imparted a character of splendour to the banquets given to Elizabeth during her progress over the kingdom. It would appear, also, that according

* See Note, Appendix.

to the bills of fare for each day, which the queen herself ordered and signed, that a much greater variety of dishes were introduced during her reign, and probably during that of her father, than had previously been known at the English court.

There was scarcely any kind of fish which was not served up on fish days. We find sturgeon, porpoise, salmon, ling, pike, dory, gurnets, soles, lamprey, conger-eel, carp, mullet, haddock, and some others, variously dressed. And the fish was followed by a course of fowls, hares, rabbits, larks, and other birds.* On flesh days, beef, mutton, veal, venison, poultry, and game were served up boiled, roasted, or stewed; the price of each dish and each dinner was regularly fixed, and the whole cost little more than one-tenth of the prices of the present day.† Every fish had its specific sauce. Brawn was a favourite dish, and a dessert of fruit was occasionally served up with spices; and at the queen's table, and that of the ladies and gentlemen of her court, there were seldom more than one and a half pint of wine drank; but the quantity of strong ale consumed was enormous.

Ale was in that age the general beverage. Wine was only used, and that in moderation, by the rich and mercantile classes. In the rural districts, the food of the farmer was bread, red herring, and salt fish in Lent; and on flesh days, bread, fresh or salt beef, pork, and, as a luxury, mutton and brawn. "Good drinke, a good fire in the hall, brawne, pud-

* See Gibson's "Progresses of Queen Elizabeth," and Note in the Appendix.

† Prices, however, increased relatively before the end of Elizabeth's reign, when she restored the standard of coinage.

dings and souse, and mustard withal. Capon or turkey, cheese, apples, or nuts, with jollie carrols," were considered indispensable. On festive days, especially on the vigil of the parish saint, it was declared that évery " wantone maide maye daunce at her will," and it would appear that in the country all classes enjoyed far more amusements than now prevails among the rural population; but the manners were coarse and the diversions rude. Yet they were such as required strength and skill. Quoits, rackets, nine holes, leaping over hedges and ditches, baiting bulls and bears, were among their sports; and even the queen frequently partook of them.

We find in the Sydney papers a passage which informs us, that "this daye she" (the queen) "appoints a Frenchman to do feats upon a rope in the Conduit Court; to-morrow she has commanded bulls and bears to be bayted in the court-yard; and on Wednesday she will have a solemn dauncing." During her dinners, twelve trumpets, two kettle-drums, together with fifes, hornets, and side drums, were blown and beaten in the hall-ring for half an hour together. A German traveller, Hentzner, informs us that among the other diversions which followed, "was that of whipping a blinded bear, which was performed by five or six men standing round him with whips, which they exercised upon his body without mercy, as he could not escape them because of his chains." Yet he afterwards tells us that "although the queen was present at those rude amusements, that no one spoke to her without kneeling, though now and then she raised some by waving her hand; and wherever she turned her eye every one fell on

his knees; that, even when Elizabeth was absent, those who covered her table, although members of the nobility or gentry, neither approached nor retired from the table without kneeling, often three times. All the writers of that period and of the succeeding reign speak of Queen Elizabeth as if they were her serfs; and the honours paid to her by the nobility, who were impoverished by her progresses over the country, and her visits with her retinue to their mansions, consumed more than their incomes for three or four years. One author,* after describing her palaces, says, "But what need I take upon me to repeat all the houses of her queen's majesty, sith all is hers, and when it pleaseth her in the summer season to recreate herself abroad and view the state of the country and hear the complaints of her poor commons injured by her unjust factors or their unjust substitutes, for the nobleman's mansion is her palace where she continueth during pleasure, until she return again to some of her own, in which she remaineth as long as she pleaseth."

The palaces of Henry VIII. called *Nonsuch*, celebrated for its splendour, and that of Richmond, have long since disappeared; and it is astonishing how many large mansions of the nobility, which have been celebrated for their magnificence, have gone to ruin.

As there were but few wheeled carriages in her reign, Queen Elizabeth usually rode on horseback, sometimes behind her chamberlain; and her excursions to Greenwich and Richmond were generally by water in a barge. But whenever she appeared in

* Harrison, book ii., ch. 15.

public it was always in state, accompanied by a numerous retinue of courtiers in their richest dresses, and it was her rule "to go slowly and to march with leisure and a certain grandytie." In an old painting, representing her progress to Humsden House, she appears sitting in an elevated chair surmounted by a canopy, placed on two poles, and carried on the shoulders of eight men, richly dressed. She is accompanied by a numerous retinue of gentlemen and ladies on foot.

However rude the magnificence of the nobility during the Tudor dynasty, they were still distinguished for their ancient hospitality, costly apparel, and for the number of their retainers. But the boisterous character of their feasts had greatly declined; and their hospitality had visibly retrenched its bounds, during the latter half of the sixteenth century. Although the queen issued a proclamation against the number of retainers and servants kept by the nobility, she actually rendered their numbers almost necessary during her progresses, and while enjoying their sumptuous banquets. One of the most magnificent and expensive of those was the famed entertainment given by the Earl of Leicester, in his great castle at Kenilworth; at which no less than 365 hogsheads of ale were drunk. Several of the nobility had above two hundred servants.* Even Burleigh, who was considered frugal, and who inherited no estate, found it necessary to conform to the manners of the times; and he kept no less than one hundred servants. It is remarkable how Burleigh could have provided the

See Note, Appendix.

means of entertaining the queen no less than twelve times at his country house, where she remained on each occasion from three to five weeks. It is still more surprising that he should have possessed from fourteen to fifteen thousand pounds weight of silver and some gold plate, worth more than 40,000*l.*, money of that period. His remaining fortune consisted of about 4000*l.* a year in land; and he left about 10,000*l.* in money. It is possible that he had profited by his high office, which he held for the greater part of a long life. Yet no charge of the kind has been alleged against him. If he did not find means by using the queen's prerogative of adding large sums to his moderate salary as a minister of the Crown, how was it possible for him, as is recorded in his life, published by Collins, to have paid a thousand pounds to each of twenty gentlemen retainers; and to have among his ordinary servants persons worth each from three to twenty thousand pounds? Each of the twelve entertainments which he gave the queen cost him about three thousand pounds. See Strype; Collins's "Life of Burleigh."

In regard to the decline of baronial hospitality in the reign of Queen Elizabeth, it is observed by Camden, that as the nobility began to acquire a taste for ornament, and convenience in their dwellings, and greater elegance and decency in their pleasures, the glorious hospitality of the nation decayed; but Hume more judiciously remarks, that this new turn of events promoted the arts and industry, while their extraordinary hospitality was the source of vice; disorder, sedition, and idleness.

It was in the reign of Henry VIII. that John of Padua and other architects, painters, and artists, were first invited by the sovereign and rewarded in England; and although Elizabeth cared little for the arts and sciences, it was in her reign, as well as in those of her father and brother, that the nobility and gentry began to erect those spacious country mansions in the style which has acquired the name of Elizabethian architecture. The palaces of Nonsuch and that of the Protector Somerset were among the first which were built combining the Italian style with decorations which were almost peculiar to England.

As the decrease of hospitality was accompanied by a diminution of retainers, the change was favourable to the royal prerogative, extended the authority of the laws, and facilitated the execution of justice, which had formerly been obstructed by the nobility and their retainers. The manners of the former reigns diminished the riches, and afterwards the power of the barons, whose fortunes had been dissipated in extravagant and barbarous entertainments. But the taste for elegant mansions, and for more convenient and expensive furniture, gave employment to artisans, and increased the trade of the country.

At the same time that the inhabitants of cities acquired riches, and consequently higher position in society, the nobility ceased to practise that unlimited ascendancy over the persons of those classes who were previously fed at their tables and supported as paid retainers. With this change improvements in agriculture were commenced and extended. The proprietors of land, finding money of

greater value than men, endeavoured to render their lands profitable by enclosing waste fields, by consolidating many small holdings into a few large farms, and changing cottagers and rural idlers into farm labourers. Those also who were formerly idle retainers, as well as the numerous persons who were ready at the command of the baron to despoil a neighbouring lord, or to subvert a government, were accordingly driven to earn their livelihood in some profession or trade, or by manual labour, either as artisans or as agriculturists. In the mean time, as the baronial power declined, and before the middle classes acquired riches and power, the authority of the sovereign became nearly absolute. And it is from the last five years of the reign of Queen Elizabeth that we may in reality date the first rise of the advances made by the commons in abridging the despotic authority of that royal prerogative which was usurped by the Tudors, and which was so long submitted to by the English nation.

Queen Elizabeth's sumptuary proclamations with regard to the expensive apparel worn by the nobility and gentry, formed a striking contrast to her own vanity. A conceit of her beauty was a prominent weakness in her character, and in her constant anxiety to fascinate the hearts of all who beheld her, she took the utmost pains to be on all occasions richly dressed. She wore a different habit each succeeding day to that on the day preceding, and she became as much attached to her clothes as if they had been her household gods. She never parted with any article she had worn, and at her

death her wardrobe contained about three thousand dresses.* In her sixty-seventh year Hentzner saw Elizabeth, and she then wore earrings consisting of pearls with very rich drops; false red hair, and, like all English ladies until they were married, her bosom was uncovered. Her dress was of rich white silk, bordered with large pearls; over which she wore a mantle of black silk shot with silver threads. She had an oblong collar of gold and jewels. As she went along, the people kneeled and cried out, "God save Queen Elizabeth;" to which she answered, "I thanke you my good people." He says further, "her chamber was strewed with hay, and all made tastings and genuflexions on entering the queen's room, although her majesty was not present. Before her time, no one wore silk hose or stockings; but on Elizabeth receiving from her silk woman a pair of black knit silk stockings, she never afterwards wore cloth hose. The first pair made in England of knit worsted stockings was a little after, and presented to Lord Pembroke. The pocket-handkerchiefs of ladies, and their chemises, were richly embroidered, and frequently wrought with gold and silver. Women of rank wore chains and bracelets, lawn and cambric ruffs of moderate size, stiffened with yellow starch. Farthingales, or huge Spanish petticoats, went out of fashion. The chopine or Italian shoe, with high heels, was introduced. Coaches were first used by Lord Arundel; after which the queen ceased to ride on public occasions behind her chamberlain. Her carriage was hung on very low wheels, and of gaudy but

* Carte, vol. xxxi., 702.

clumsy form. But hackney carriages were unknown until about the middle of the seventeenth century. Jewels attached to the ears and ribands were worn by young fashionable gentlemen; beards diminished into moustachios; but the hair, though cut short on the top of the head, was allowed to grow long on the sides. The woollen cap and hood disappeared, and was superseded by a hat with a high conical crown, sometimes encircled with a band ornamented with jewels and gold, and surmounted with a feather. The scarlet cloak distinguished the most fashionable in dress. As light and fuel were expensive, all classes rose early in the morning, and went to bed soon in the evening. The amusements, recreations, and employments were chiefly those which were best suited to daylight; and it has only been in an age of advanced refinement and civilisation that any great portion of the night has been abstracted from sleep for reading, study, conversation, and other amusements. We find the earliest patent for acting tragedies, comedies, and other plays, dated in the year 1574, and Shakspeare's plays were acted either at a theatre in Blackfriars, or at the Globe in Southwark. The theatre was distinguished by a flag hoisted in front. It was destitute of scenery, and the stage was in the centre. Trumpets, cornets, and hautboys were the instruments of music; the female parts were performed by young men, and one dramatic piece constituted the whole entertainment. The acting began about one in the afternoon, and lasted generally about two hours. Drinking ale and smoking tobacco were indulged in by

the playgoers. Until 1597 plays were only acted upon Sundays; but after that year they were acted on other days as well as on Sunday. The nobility and gentry dined at eleven in the forenoon, and supped between five and six in the afternoon. Merchants and citizens generally dined and supped an hour later, and the rural population an hour later than the merchants. Tablecloths of fine linen were used by all who were then considered opulent; while "the good man of the house sat at the upper end of the table with a fayre napkin layde before him on the table lyke a master."

The royal processions, especially during the reign of Henry VIII., were displays of gorgeous magnificence. The lord mayor's show, which was early instituted, and the gay procession, was on horseback from the City to Westminster until 1454, when it was rendered more attractive by rowing in barges on the river.

II.—LEARNING AND SCIENCE.

Although Queen Elizabeth understood Greek and Latin, as well as French, Spanish, and Italian, and had translated "Bœtius on the Consolation of Philosophy," and even addressed a Polish ambassador extemporaneously in Latin, yet her literary taste was neither correct nor refined, nor did she encourage learning or science. Many of the ladies and gentlemen of England learned Greek and Latin, Spanish, Italian, and French, during her reign, and in their private residences the ladies were chiefly occupied in reading, spinning, and needlework; to which prudent wives added the superintendence of their

household, brewing, and making their own candles. During the reign of the Tudors, the learning of England became classical, then theological and disquisitive. Henry, Edward, Mary, and Elizabeth were each authors; but the writings of the age are pedantic and grotesque in style, and encumbered with quotations from the Greek and Latin classics. Ladies were proud of their erudition. The wives of Burleigh, Bacon, and their sisters, and Lady Jane Grey and Catherine Parr, were all familiar with Greek and Latin, and with the languages of France, Spain, and Italy. But with the exception of Sir Thomas Smith, who, from being a professor became an ambassador, and then a secretary of state, and one or two others, men of learning were neglected. Spencer, after the death of his patron, Sir Philip Sydney, was left to starve. It was not for his learning, but on account of his personal accomplishments and gallantry, that Elizabeth patronised Raleigh. In the early years of the Tudor dynasty the literature of England consisted chiefly of obscure and voluminous writings in a barbarous style, and devoted chiefly to theological dogmas. Henry VIII. and Cardinal Wolsey encouraged learning, and Erasmus, More, Linacre, and Cheke directed their labours to classical instruction. The monks and academicians of Oxford railed against a version of the Greek New Testament, edited by Erasmus, and denounced it as a dangerous and impious book. The professors and students at Oxford divided themselves into the opponents of Erasmus, who assumed the name of Trojans, and his supporters, who styled themselves Greeks. Whenever a member of the

latter appeared he was attacked by a Trojan with contumely and by assault; but Wolsey and his master patronised and supported the Greeks, until their language became a fashionable and popular study, from which time the Trojans disappeared. But the old, coarse, monkish pronunciation of the Greek was violently supported by the Bishop of Winchester, who was chancellor of that university; and he issued a decree, prohibiting the reformed pronunciation introduced by Cheke. The latter, however, prevailed, and the decree of the violent churchman was utterly disregarded. Little progress was, however, made in science; and the practice of medicine was monopolised by ignorant persons, inasmuch as no physician nor surgeon was allowed to practise in London, or within seven miles thereof, until approved by the Bishop of London and the Dean of St. Paul's. The professions of medicine and surgery acquired skill and respectability soon after their incorporation by Henry VIII.; but the usual consequence of monopoly, however, became manifest by the lucrative charges of their practitioners; and *their trade*, for such they made their profession, was opened afterwards by the representation of the commons, and the interposition of the king.

Of the men of learning who flourished during the era of Henry VIII., Sir Thomas More stands foremost; yet this did not save him from falling a victim to that sanguinary monarch; and it is lamentable to reflect that the author of "Utopia," a work distinguished for its originality, boldness, and freedom of inquiry in religion, philosophy, and politics, should have subsequently relapsed into bigotry and into-

lerance. Thomas Linacre, who was eminent both as a physician and a philologist, became, when advanced in age, a priest. St. Paul's School was founded by Dean Colett, for the instruction of 153 scholars; and he appointed, as his first master, his friend William Lilly, who composed a celebrated Greek grammar, in which he was assisted by Erasmus and others. He was the first who taught Greek in London. One of the most accomplished noblemen of the age was the poet William Howard Earl of Surrey. He was also a statesman, a gallant knight, and a bold captain. But he fell a victim to the anger of Henry VIII. Price, Leland, Cheke, Tonsal Bishop of Durham, Cranmer, and some others, who were all considered good men, were also learned for the age; and they lived in harmonious friendship, promoting the diffusion of knowledge. At the same time, Scotland was distinguished by Hector Boëtius, Gavin Douglas, and Patrick Paynter. Great additions were made to the schools of the universities of Oxford and Cambridge. To the first, three colleges were added, and five to the second,—all which, together with the schools of Ipswich and St. Paul's, afforded for the age nearly ample means of acquiring learning; and, notwithstanding the ambition and other defects of Wolsey's character, his mind was magnanimous and generous; and he may be considered one of the greatest promoters of learning, taste, and refinement which distinguish the founders of our schools, or who have introduced elegance and taste into the exterior or interior of the architectural structures of England.

The supreme genius and glory of the reign of

Queen Elizabeth was William Shakspeare. The amiable and gallant Sir Philip Sydney was the author of "Arcadia," and other works; and the eccentric Roger Ascham wrote his "Archery," a good book for young men, his "Schoolmaster" for old men, and his "Epistles" for all men. In mathematics and astrology Dr. John Dee was distinguished. His works on the first are clear and invaluable, and his writings on the second unintelligible and irrational; and his conversations with angels and spirits led to the seizure of 4000 books and 700 manuscripts, which were contained in his library at Mortlake. Reginald Scott was a judicious and logical writer. His "Discourses of Witches" is a masterly attack on the superstitious credulity which prevailed with regard to witches, hobgoblins, ghosts, and prophecies. John Hookham, who was member of parliament for Exeter, wrote a work on the order and usage of keeping parliaments in Ireland. He added the "Chronicles of Ireland" to the second volume of Hollinshead, and he also wrote a book on the events of comets and blazing stars. A work on the laws of the ecclesiastical polity was written in defence of the Church of England against the attacks of the Puritans, by his nephew, Richard Hookham. The author of the treatise on the "Office of the Justice of the Peace," and other law books,—"the antiquary," as Wood says, "of a marvellous, merry, and pleasant conceit," was William Fleetwood. Several of the writers of the day, such as Sir Thomas Challoner, were also distinguished as soldiers and diplomatists. Most of the other writers of the age of the Tudors were more distinguished for the violence of their theolo-

gical opinions, and for their scholastic obscurity, than for taste, good sense, or sound judgment. The schools, however, which had been instituted during the dynasty of the Tudors afterwards sent forth those great men in literature and science who have shed splendid and enduring lustre on the learning of succeeding ages.

III.—POPULATION, CRIME, AND POOR-LAWS.

It is now impossible to ascertain the number of the population of England at the death of Queen Elizabeth. It has been estimated at from between four to five millions, and in 1590 the population of London is calculated by an Italian writer at 160,000. But this statement cannot be depended upon, although Anderson, twenty years afterwards, allows nearly six millions of inhabitants for all England, and for London, including Westminster and the suburbs, about 250,000 inhabitants.

In England, we would naturally conclude, that under an authority of the most absolute kind, established on above twenty branches of royal prerogative, which have long since been abolished, and which were utterly incompatible with civil liberty, the means of extirpating crime would have been comparatively effectual. But such was not the case during the reign of Queen Elizabeth. The abolition of the monasteries by her father had greatly increased vagrancy and robberies; but all those who at that period had inhabited monasteries must have either died off, or had become too aged or feeble to commit depredations. Besides, the poor-laws instituted by Queen Elizabeth had provided the means of subsistence for

those who were utterly destitute. We must therefore attribute the prevalence of crime and the numerous executions during this reign to other causes ;—to ignorance, vagrancy, hereditary wickedness, vicious habits, and to the barbarous character of a great portion of the rural inhabitants. Strype, in his annals, includes a report of the state of crime in Somersetshire for the year 1596, during which forty persons had been executed for thefts, robberies, and other felonies. Thirty-seven were publicly whipped, thirty-five burnt on the hand as felons, and one hundred and ninety-three acquitted; but the latter were accounted so desperate, “that although the charges against them were not proved, they would never come to any good; for they never worked, and no one would employ them.” It was further stated, that it was impossible to bring the *fifth* part of the felonies committed into the court to trial, from their superior cunning, the folly or fears of the people, and the remissness of the magistrates;—that the agriculturists and graziers were obliged to watch day and night over their sheepfolds, pastures, woods, and corn-fields;—that the other counties of England were many of them even in a worse condition than Somersetshire;—that there were from three to four hundred vagrants in each county, living by rapine and theft, committing depredations in bands of from fifty to sixty; that all those felons, if collected and disciplined, would form an army to fight a strong battle against her majesty’s greatest enemy; and that they even terrified the magistrates, who often stopped the execution of the sentence which they had pronounced. It would appear, however, on the

authority of Harrison, that crime was much grèater in the reign of Henry VIII., when about 2000 thieves and rogues were hanged annually, besides other malefactors; and that in Elizabeth's time there were only between 300 and 400 a year hanged for theft and robbery. But he adds, that the laws were so much relaxed that there were but few rogues punished in his time, and that there were about 10,000 gipsies then in England, although they only first appeared in the reign of Henry VIII. In order to extirpate them, he says, "the queen must employ martial law." The gipsies were then, and long after, notorious thieves, who overran the country, pretending to gain their livelihood as tinkers and rude artisans.*

Although we usually attribute the institution of poor-laws to Queen Elizabeth, a law of Richard II. prohibited any labourer from quitting his dwelling-place without a testimony from the justice of the peace "showing cause for his going."† Without such a testimony, any wanderer might be apprehended and put into the stocks. Decrepit or infirm and aged persons were compelled to remain where they were dwelling at the passing of the act, provided the parish would maintain them; otherwise they were ordered to the place of their birth, to be supported there. Acts were passed in the reign of Henry VIII., by which impotent beggars were ordered to the hundred where they had last dwelt for three years, or where they were born; and they were prohibited from begging elsewhere.† By an

* 12 Richard II., chap. 7. 1498.

† 9 and 18 Henry VIII. 1495 and 1504.

act of Henry VIII., justices were directed to assign to impotent poor persons the district within which they might beg, and beyond which they were prohibited from begging under pain of imprisonment, and being fed on bread and water in the stocks. Able-bodied vagrants and beggars were whipped and sent to the place of their birth, or where they had lived for three years.* Vagrancy, however, continued to increase, and in 1538, by an act of Henry VIII., voluntary charity was converted into compulsory maintenance.† By this act, “the head officers of every parish to which either able-bodied or impotent poor may resort, under the previous act, shall keep and maintain them, so that none shall beg openly.” Able-bodied beggars were forced to constant labour, and every parish in default was to forfeit twenty shillings a month. Almsgiving beyond a town or parish was prohibited, under a penalty of ten times the amount given. The sturdy beggar was to be whipped for the first offence of begging, to have his ears cropped for the second, and for the third he was to be indicted for wandering, loitering, and idleness, and executed as a felon, and an enemy of the commonwealth. This severe law was repealed in the reign of Edward VI.‡ Every able-bodied person not employed in honest labour, and who did not offer to serve for food and drink, was declared a vagabond, branded on the shoulder, and adjudged a slave for two years, to any one who should demand him, and then fed on bread and water, and refused meat;

* 22 Henry VIII., chap. 12. 1531.

† 27 Henry VIII., chap. 25. 1538.

‡ 1 Edward VI., chap. 3. 1547.

and forced to work by being beaten, chained, or otherwise. If he ran away he was branded on the cheek, and adjudged a slave for life; and if he ran away a second time, he was executed as a felon. If he was not demanded as a slave, he was subjected to hard labour in chains on the highway. The impotent poor were to be passed to the place of their birth or settlement for maintenance. This cruel statute was repealed, and that of 1531 substituted. The next poor-law was 1572, as none of the former laws had been effectual.* By this statute, "All rogues, vagabonds, and sturdy beggars; all persons whole and meet in body, able to labour, not having land or manor, nor using lawful merchandise, craft, or mystery; and all common labourers, able in body, refusing to labour for reasonable wages, should for the first offence be whipped and burnt in the grizzle of the right ear with a hot iron; for the second they should be condemned as felons; and for the third offence they should suffer death as felons without the benefit of a clergyman." Provisions were made for the sustenance of the aged and impotent, enabling the justices of the peace within their several districts, by their good discretion, to tax and assess all who inhabited dwelling-houses. By the statute 39th of Elizabeth, chap. 3 and 4, every able-bodied person refusing to work for the ordinary wages was to be openly whipped until his body bled, and forthwith sent by the most straight way to the parish in which he was born, there to put himself to labour as a true subject ought to do. The next act upon this subject was the 43rd of Queen Elizabeth, chap. 3, and

* 14 Elizabeth, chap. 5.

which continued in operation from the time of its enactment, in 1601, until the 4th and 5th of William IV., chap. 76, which was passed in the year 1834. The law of Elizabeth, with the alterations introduced into the new poor-law, are so well known that we need not recapitulate their provisions. That the former was attended by many benefits in regard to the maintenance of the poor, and the diminution of vagrancy and crime, we are ready to admit; but that great abuses, frauds, and temptations to vice were, and are, also attendant upon the operation of the poor-laws, are indisputable facts.

IV.—THE REVENUE OF THE TUDORS.

The first and last of the Tudors were the most economical sovereigns that ever ruled in England. But Henry VII. resorted not only to the most arbitrary acts in order to levy taxes and extort money from his subjects, but he appears to have scarcely any object in view except that of hoarding; for no king was so remarkable for the meanness of his expenditure. Elizabeth, on the other hand, appears to have only practised economy for laudable purposes; or in order to render her prerogative independent of parliamentary control. There was no item of expenditure, however small, beneath her personal scrutiny; although we must admit that she made profuse gifts to some of her favourites. But unlike her uncle, no shade of avarice sullied her dignity; and although resolved to be independent, she never hoarded treasure; and she honourably paid the debts of Edward VI., and of her sister Mary. But it is evident, from the money she raised from

exclusive patents and monopolies, that her economy was not the result of any "tender concern for her people." Rather than allow parliament to trench on her dignity or independence, she did not scruple to encroach upon the royal domains in order to supply her necessities; and in consequence she greatly diminished the revenue of her successors. According to Winwood, the King of France, when she died, owed her 450,000*l.*; and the States-General nearly double that amount. Of the heavy loans which she had generously made to the former, when in his utmost need, he only repaid 70,000*l.*, and that only when she was distressed for money to crush the rebellion in Ireland. Her last war with Spain cost her about 1,580,000*l.*; and the Irish rebellion drained 600,000*l.* from her treasury in six months. Altogether, in ten years, Ireland cost her 3,400,000*l.* And if we can rely upon the authority of Burleigh, her gifts to her favourite Essex amounted to 300,000*l.* Her ordinary revenue from Crown lands and other sources yielded less than half a million. Until the year 1590 the customs were farmed for about 14,000*l.* a year to Sir Thomas Smith; and on raising the farm to 50,000*l.* she compelled him to refund a portion of his former profits.* During her whole reign she received from her parliament twenty subsidies and thirty-nine fifteenths. It is impossible to ascertain what the amount of those parliamentary grants were, as we possess no account whatever of their details, further than that in the last parliament of her reign the whole of the last subsidy was at the rate of four shillings in the pound on land, and eight groats on

* Camden, 5580.

goods, or, in all, rather more than 80,000*l.*; and that the subsidy given by the clergy amounted to 20,000*l.* a year. The double fifteenths yielded 60,000*l.*, and the whole amounted to 160,000*l.*; being 440,000*l.* less than the expenditure for six months in Ireland. During a debate, Sir Walter Raleigh observed that "the estates of the gentry and nobility were not charged a hundredth part of their value;" and argued that this was the reason the subsidies produced so small a revenue. Many of those estates were charged only at from 30*l.* to 40*l.* per annum, and scarcely any of the justices of the peace in the country were rated above 8*l.* or 10*l.* a year; and he proposed that the latter should be rated at the qualification of 20*l.* a year. Although her last parliament granted larger subsidies than any other, they resolutely persevered in opposing any increase in the rate of valuation. When Elizabeth borrowed money from the merchants, which was usually done before her reign in the city of Antwerp, she did so, through that eminent person Sir Thomas Gresham, from those of London; and she repaid the loans with the strictest punctuality. But in the year 1559, when she resolved to restore the debased money of her realm to a real exchangeable standard, Gresham borrowed for her 200,000*l.* from the citizens of Antwerp. Nothing in the constitutional history of England is more remarkable than the parsimony of her parliaments. According to Lord Salisbury, the supplies which she received during her whole reign of forty-five years did not exceed 2,800,000*l.* We need not therefore be surprised at her selling a great portion of the Crown lands. When we

consider her great undertakings, and her successful triumphs with such mean revenues, her wisdom and economy are alike remarkable; and, notwithstanding her vices and despotism, claim for her, as a monarch, the admiration and honour at all times of the English nation.

V.—AGRICULTURE, MANUFACTURES, AND TRADE OF ENGLAND UNDER THE TUDORS.

There were few improvements in the agriculture of England until the end of the reign of Queen Elizabeth; and the attention of the English landlords became directed to apply skill, and the results of experience in other countries to husbandry, in consequence chiefly of the disappearance of that wealth which was acquired by the labour of their serfs, and afterwards in consequence of the distribution of those lands which had previously been held by the monastic establishments. The Saxon period was far more favourable to commerce than either the Norman or English, until the accession of Henry VII.; one proof of this fact is the law of Athelstane, made in the middle of the tenth century, which enacted that every merchant or trader who should have made three voyages over the sea with a ship and cargo of his own, should be entitled to the rank of Alderman, Thane, or Noble. But the materials of English commerce long continued to be raw articles—chiefly wool—notwithstanding all that is recorded of the superior excellence of English jewellery, and some other articles and fabrics. Tolls, or duties upon commodities imported or exported, appear to have prevailed since the time of the Romans; and no ship could arrive at,

or depart from, any English port, without being fined, unless by permission of the king or his officers at the different seaports; nor for a long period was it lawful either to buy or sell, except in the presence of one of the king's officers. At all times money appears to have been coined and circulated by the kings of England; but slaves and cattle also constituted a circulating medium. Before the reign of Henry I., it would appear there was a considerable traffic carried on betwixt England and Ireland. That slavery was a common traffic is evident, from the authority of various chroniclers, both before and after the Conquest. In the life of Wulstan Bishop of Worcester, we find it recorded that "the inhabitants of a seaport town, called Bristow, opposite to Ireland, make there frequent voyages on account of trade; that he cured the people of this town of an inveterate and odious custom practised by them and their ancestors, of buying men and women in all parts of England, and exporting them to Ireland to sell for gain. Young women were brought to market in their pregnancy, that they might fetch a better price. You might have seen with sorrow ranks of young persons of both sexes, and the greatest beauty tied and daily exposed to sale. Nor were they themselves ashamed to give up their nearest relations; nay, their own children, to slavery."* The Danes, or Northmen, who traded to Ireland, were the principal purchasers in the market for English slaves. William of Malmesbury accuses Canute's sister of purchasing "companies of female slaves and sending them into Denmark, more especially

* Wharton's "Anglia Sacra," vol. ii., p. 258.

young girls, whose beauty and age rendered them more valuable, that she might accumulate money by this horrid traffic;" and he accuses the English nobility in the eleventh century of selling their female servants to foreign slavery.

William the Conqueror re-enacted an old Saxon law, which declares that no man shall buy what is living or dead excepting in the presence of four witnesses, either of the borough or of the village. By the charter of Henry III. to the city of London there is but one clause relating to commerce. It declares that all men of London shall be exempted throughout England, and also at the seaports, from all tolls and other customs.

The manufacture of woollen cloth appears to be first introduced by a colony of Flemings, who were planted in Herefordshire in the early part of the twelfth century by Henry I. They were described as "a people excellent in business, in the manufacture of cloth and merchandise, and always ready for any danger to seek, by sea or land."

About the end of the twelfth century it is recorded that among the articles imported to London there were gold, frankincense, and spices, from Arabia, precious stones from Egypt, purple cloths from India, palm oil from Bagdad, furs from Norway and Russia, ermines from Scythia, and wines from France. The citizens are described as distinguished above all those in England for the elegance of their manners and dress, and the superiority of their manufactures; and the city about this time was considered to have become the capital of the kingdom instead of Winchester. Peter of Blois and Fitzstephen state that there were then in the city and suburbs 13 conventual

churches and 126 parochial ones, and that the population was about 40,000.* Other accounts state the population to have been much greater. A market was held every Friday at Smithfield for the sale of horses, cows, hogs, and other animals. Ludgate was then the west end of London, from which fields and gardens separated the city of Westminster. Fitzstephen calls the citizens of London barons, and Malmesbury says they are ranked with the chief people or nobility of the kingdom; and that "the city is filled with merchandise brought by merchants of all countries, but chiefly those of Germany; and in case of a scarcity of corn in other parts of England, it is a granary where the article may be bought cheaper than anywhere else." Jews were among its wealthiest citizens. Bristol was the next trading town of importance; Gloucester and Winchester were celebrated by Malmesbury for the excellence of their wines (?) made from the grapes of the country. This latter statement may be doubted. "The best foreign wines were brought to Chester, to which ships repaired in great numbers from Ireland, Gascony, and Germany, and supplied the inhabitants with all sorts of commodities." Lucian, a monk of that city, observes that the "city is celebrated for all things good, and we drink wine very plentifully. William of Newburgh calls Dunwich a "famous seaport town, strewn with riches." It is now an insignificant village. Norwich, according to Malmesbury, was famous for its commerce and the number of its people. Many wealthy Jews resided at Lynne, Grimsby, Lincoln, York, Whitby, Hartlepool, which

* Geraldus Cambriensis, "Henerare," vol. i. and ii.

are also described as places to which ships resorted. Cargoes of salted flesh, herrings, and oysters, and "most precious" wool, copper, iron, tin, and lead, are enumerated by Henry of Huntingdon as being annually sent from England to Germany by the Rhine. At the time of the death of Henry II. the trade and navigation of England is generally described as having been in a state of great prosperity. But the wars of Richard I. and those which followed appear to have been ruinous to that commerce. The fleet with which Richard sailed to the East consisted of 13 large vessels, called dromons, 53 armed galleys, and about 100 transports. They were constructed both to row and to sail; the largest had three sails, each on a separate mast, and the galleys had generally two tiers or banks of oars. But these are described by authorities quoted by M'Pherson as much less than those of former times, which carried three, four, five, and even six tiers of oars.

From this period we find laws continually promulgated for regulating, or rather interfering with commerce. Buying and selling of woollen cloths were confined to cities and boroughs. Henry II. prohibited the mixing of Spanish with English wool in the making of cloth. In the early part of the thirteenth century we find that licenses were granted to merchants of foreign countries to bring goods to England on due payment of the *quinzienné*, or customs. The Flemings were then the chief foreign traders. The word "staple" was applied to the particular place fixed on by law for the sale of goods, or to the particular article sold, or to merchants or

traders dealing in those goods,—for instance, woolfels and leather were denominated the “staples,” or the staple goods of England, and the persons who dealt in them were called the “merchants of the staple.” Edward II., by a charter, incorporated them in 1313 as “the mayor and council of the merchants of the staple;” and ordained that all merchants, English and foreign, buying wool, or woolfels in his kingdom for exportation, should not carry them for sale to Brabant, Flanders, Artois, but to one certain staple in one of those countries, to be appointed by the said mayor and council. Antwerp was accordingly made “the staple.” Those restrictions, however, were evaded, and the king and the parliament were afterwards perpetually interfering with the merchants. Subsequently, staples were confined to various places within the kingdom; but in 1341 a staple was re-established by the king at Bruges. When Calais was taken it was removed to that town for the sale of tin, lead, feathers, English woollen cloths, and stuffs. But in 1353 the staple was removed from the continent, and ordered to be held for ever in no other places than Newcastle-on-Tyne, York, Lincoln, Norwich, Westminster, Canterbury, Chichester, Exeter, Bristol, and Carmarthen; and in Ireland, at Dublin, Waterford, Cork, and Drogheda. About ten years afterwards it was again established in Calais, from which it was in 1369 removed again to England. But in 1376, in order to prevent the decline of Calais, the staple was restored to that town, and several articles added to it, including in all, wool, woolfels, leather, lead, worsted stuffs, feathers, cheese, butter, honey, tallow, peltry, and *gulae*, pro-

bably *osseous*.* Two years afterwards the merchants of Germany, Venice, Catalonia, Arragon, and other countries towards the West, who came in their vessels to Southampton or elsewhere within the realm, were allowed to sell their goods and to reload with wools and other merchandise of the staple on paying the same customs that they would have to pay at Calais.

By a law of 1382 all merchants, whether English or foreign, were allowed to carry wool and woolfells to any country whatever except France, on payment of the customs dues. Soon after the staple was removed from Calais to Middlebulgh; and after a lapse of four years Richard II. ordered it to be fixed once more at Calais. It continued at the latter city for two years, and it was then removed to various English towns. But so frequent were the changes, that the condition of the merchants who dealt in staple goods was attended with perpetual uncertainty. As early as 1261 the barons, with the consent of Henry III., passed a law prohibiting the exportation of wool, then the chief staple of the country; and all woollen cloths, except those manufactured in England, were prohibited from being worn. This act may be considered the commencement of the Protective system. By a law of Edward I., all foreign merchants were compelled to sell their goods within forty days after their importation; and the same monarch, towards the end of the thirteenth century, inflicted great injury on the commerce of the country by the expulsion of the Jews. But as those restrictive laws were generally evaded, a charter

* 22 Edw. I., stat. 2, chap. i.

was granted by Edward I., in 1303, which allowed the merchants of Germany, France, Spain, Portugal, Italy, Lombardy, Tuscany, Catalonia, Quercy, Flanders, Brabant, and all other foreign countries, to come "in safety" to the dominions of the king with all sorts of merchandise, and to reside in England under the protection of the Crown. But, with the exception of spices and mercery, they were not allowed to sell their goods by retail, and the compulsion to do so by wholesale was attended with great loss. Those merchants were also made liable for the debts, and even the crimes of every other foreigner residing in England. They were frequently committed to the Tower for not giving security that none of their number should leave the kingdom, or export goods from it, without a special license from the king.

The exportation of money was also prohibited, and trade was consequently reduced to barter. A law of Edward III., passed in 1335, prohibited either money or plate to be exported without special license, under the penalty of forfeiture; and sworn inquisitors were appointed to enforce the law at every port. Innkeepers were also compelled to search their guests; and inquisitors and innkeepers were allowed one fourth of all profits. Other pernicious regulations were enacted and enforced, until, in 1390 and the year 1400, foreign merchants were allowed to export half of the money for which they sold their wares; but they were compelled to find sureties to purchase the commodities of the land to the value of one-half of the goods which they imported. Those laws were evaded, in consequence of the permission given by a law of Edward I. to make remit-

tances in bills of exchange. This privilege was not only overlooked by the government, but granted, under the belief that it would effectually prevent the exportation of money. Among other foolish regulations was that which insisted upon all cloths imported to be of a certain length and breadth, and if, when measured by *aulnegers*, they were not found to correspond with this ridiculous law, the cloths were forfeited to the king.*

The absurdity of legislative interference was frequently exemplified in the attempts to relieve the people from famine, by enacting that all articles of food should be sold at certain fixed prices, as if low prices in times of scarcity could produce abundance. In fact, such legislation prevented the bringing of articles to the market. The consequence was, that flesh and poultry disappeared, and grain was scarcely to be had, whereupon the law was revoked. But the king and parliament still continued to fix the prices of labour and various commodities, and "to prevent victuallers from having more than reasonable gains." Bread, ale, wine, fish, clothes, wood, coal, &c., &c., were variously subjected to an arbitrary assay. As to English shipping, Henry III. appears to have had some vessels of his own; and we find an entry ordering "to pay out of our treasury to Reynold de Barnevat, and brother Thomas, of the Temple, twenty-two and a half merks, for repairs of our great ship; and also six merks to six masters of the said ship—that is, one merk each. But it is remark-

* Ray cloths (probably stripped cloths) were each piece to be twenty-eight yards long by six qrs. in breadth, and coloured cloths were each to be twenty-six yards by six and a half in breadth.

able that Henry let this great ship on hire for mercantile purposes to John Blancbally, during the life of the latter, for an annual payment of only fifty merks.*

In the reign of Edward III. we find many ships enumerated as belonging to Yarmouth, Lynne, Boston, Hull, Ravenspur, and other ports, distinguished as ships of war; but they appear to have been private property, and frequently employed as much in piratical expeditions as in commerce. Edward III. claimed the dominion of the four seas, and the Cinque Ports were bound by charter to have fifty-seven ships in readiness at all times for the king's service. He also retained in his service several galleys, which he hired by contract from the Genoese. In the thirteenth century all foreign, as well as English vessels, found in English ports, were liable to be seized for the use of the king; and on one occasion, according to Mathew Paris, 1000 vessels were seized in English ports, and a great proportion of them belonged to foreign countries. The fleet of Edward III., at the siege of Calais, consisted of 25 ships belonging to the king, which carried 419 mariners, and foreign ships belonging to France, Spain, and Portugal, carrying 780 mariners; 1 vessel belonging to Ireland, and 710 vessels belonging to English merchants.† Foreign ships were generally much

* Maddox's "History of the Exchequer."

† The English merchant ships were classed as belonging to the following ports:—London, 25 ships, 662 men; Plymouth, 26 ships, 603 men; Bristol, 24 ships, 608 men; Hull, 16 ships, 466 men; Dartmouth, 31 ships, 757 men; Weymouth, 20 ships, 264 men; Sandwich, 22 ships, 504 men; Yarmouth, 43 ships, 1095 men; Boston, 17 ships, 361 men; Ipswich, 12 ships, 239 men; Harwich, 14 ships, 283 men; Portsmouth, 13 ships, 403 men; Lynne, 16 ships, 482 men; Shoreham, 20 ships, 390 men; Southampton, 21 ships, 572 men; Fowey, 47 ships,

larger than English ships at this period. One of the largest, belonging to Venice, hired by St. Louis of France, was 125 feet in length, and 1270 tons burden, carrying 110 men. If her tonnage be correct, her width must have been great in proportion to her length; and this vessel was admired as of extraordinary dimensions. When Edward III. gave directions for seizing all foreign ships in his ports for an expedition to France, he allotted forty mariners, sixty archers, and forty other armed men to the largest ships.

During the fourteenth-century vessels belonging to the east coast of Scotland roamed over the seas in the double character of trading vessels and privateers, or rather pirates, and they frequently captured English and foreign ships. They were often called ships of war, although they in reality belonged to private individuals.

As to the value of the imports and exports of England, we have scarcely any accounts. We occasionally find statements in the records of the Exchequer which afford some information. It would appear that in the year 1354 there were exported 31,651½ sacks of wool at 6*l.* per sack; 336 cwt. of wool, each cwt. being then 120 lbs., at 40*s.* per cwt.; 65 woolfels, valued at 21*s.* 8*d.*; hides, 89*l.* 5*s.*; 4744½ pieces of cloth, at 40*s.* each; 861½ pieces of worsted stuff, at 16*s.* 8*d.* each; the whole amount of the exports being valued at 212,338*l.* 5*s.*; the custom levied on which amounted to 81,846*l.* 12*s.* 2*d.*;

170 men; Looe, 20 ships, 325 men; Exmouth, 10 ships, 193 men; Grimsby, 11 ships, 171 men; Winchelsea, 21 ships, 500 men; Dover, 16 ships, 336 men; Margate, 15 ships, 160 men.

or nearly 40 per cent. on the value. If this statement be approximatively correct, the value of all commodities except wool was of trifling importance. The goods imported were 1831 pieces of fine cloth, valued at 6*l.* each; 829 $\frac{1}{2}$ tuns of wine, at 40*s.* per tun; 397 $\frac{3}{4}$ cwts. of wax, at 40*s.* per cwt. Other articles, consisting chiefly of linens and mercery, were valued at 22,943*l.* 6*s.* 10*d.*; making the whole value of imports amount to 38,383*l.* 16*s.* 10*d.* The above account probably includes only the articles upon which revenue was levied, for there is not a single article of raw material; and the account of the imports are no doubt imperfect. The account of the exports is certainly incorrect, for neither tin, lead, or copper, are mentioned. Possibly, the Black Prince, on whom the Duchy of Cornwall was settled, had those articles exported on his own account. It would appear, from other accounts, that malt, butter, cheese, herrings, and other salted fish, were articles exported long before, and at this time.

About the middle of the thirteenth century we find inquiries directed with respect to sea-coal found in the forests, about which time there appears to have been some imports of that mineral into London. But it was long before the use of coals became general as fuel; though in the beginning of the fourteenth century sea-coals are mentioned by Maitland as being very much used in the suburbs of London by brewers, dyers, and others requiring great fires; when several of the nobility and gentry complained to the king that the smoke contaminated the atmosphere and endangered their health; whereupon his majesty issued a proclamation strictly forbidding

the use of that fuel. But little regard being paid to that authority, the king appointed a commission of *oyer and terminer* commanding pecuniary mulcts; and for the second offence to have their chimneys and furnaces destroyed. Coals were a few years afterwards exported from Newcastle to France. The monks of Tynemouth at that time began to let lands where coal mines existed at from 2*l.* to about 5*l.* per mine.

The woollen cloths of England were, until nearly the middle of the fourteenth century, of a coarse description, and the greater part were worn without being dyed, unless it were in a rude manner by the use of *woad*. In 1331, Edward III., in opposition to the prejudices of the Londoners, invited over weavers, fullers, and dyers from Flanders, who settled in England and commenced the weaving of woollen cloths. Others followed from Brabant and Zealand, and John Kempe, a weaver, was the first who wove and dyed fine woollen cloths in England. Continental cloths were then prohibited; but still for a long time they were introduced and sold to the nobility by contrabandists. Before the end of the fourteenth century, no denizen of England was allowed to purchase any wool, except from the owners of sheep, and for his own use; so that the export trade was by this absurd law transferred to the foreign dealer. The object was to afford the sheep-owners the highest price; but in practice this policy was altogether evaded. It is stated that in 1356 the exports of wool amounted to 100,000 sacks, upon which the Customs levied 50*s.* per sack, being a total of 250,000*l.*; but the year after this law passed the customs derived from the

exports of wool amounted to only 160,000*l*. But these statements are probably no more than loose estimates. The merchants of Cologne, who were associated by license as early as 1220, continued to enjoy their guildhall, or *sasine*, in London, for which they paid annually thirty merks to the Crown, as the most prominent association of foreign merchants. But the trade which they conducted was never equal to that of the merchants of the staple, or of the merchant adventurers of England, who were incorporated in the beginning of the fourteenth century. "The brotherhood of St. Thomas à Beckett of Canterbury" was an association of merchants for carrying on foreign trade, instituted about the middle of the thirteenth century; and they were afterwards incorporated as the company of "Merchant Adventurers of England;" but there are some doubts with regard to the assumption made respecting that brotherhood. In the last quarter of the fourteenth century, it was proposed by a merchant of Genoa that Southampton should be constituted a permanent port for the whole western coast of Europe, and the general depôt or mart for all the oriental commerce, formerly carried on by the Genoese and others, to all countries north of the Straits of Gibraltar."*

If the account given by Walsingham can be relied upon, and considering the remarkably convenient geographical position of Southampton as a seaport,

* The Genoese merchant who proposed the Southampton scheme was murdered in London by assassins, said to have been hired by the London merchants, who feared that their interests would be injured by the establishment of a great rival seaport. Southampton has, however, become a great seaport; and its natural advantages, and its ready communication with London by railway, must tend rapidly to increase its importance.

the rejection of the proposal proves either the commercial ignorance of the English king, or the narrow views entertained at the time with regard to foreign trade. As to the commodities which the merchants of Genoa exported to Western Europe, we find that the cargo of one of their ships, shipwrecked on the coast of Somerset, as stated in Rymer's "*Fœdoraë*," consisted of ginger preserved green in lemon juice, raisins, twenty-two bales of writing paper, white sugar, dried prunes, eight bales of rice, five bales of cinnamon, and some other articles, such as *arquinetta* and a cask of *pulveris Salvistri*. But it would appear that only a part of the cargo of this vessel was saved, and that many other articles, such as wines, silk stuffs, gold, silver, and precious stones, were among the goods in which the Genoese traded.

Notwithstanding the turbulent state of Ireland during the fourteenth century, some grain and coarse woollen *frise* were imported from that country into England, and the average annual revenue derived from the customs of Ireland amounted to about 10,000*l*.

The coinage during the Norman and Plantagenet reigns, and down to the reign of Queen Elizabeth, underwent frequent changes, and was generally debased; and the monies of Scotland were even more deteriorated in value than the monies of England. We might pass over the whole period, from the accession of Henry IV. in 1399, to the death of Richard III. in 1485, as one calamitous to the commercial and maritime interests of England; but a portion of the reign of Henry IV. may, however, be excepted. Injuries had been inflicted in London upon the mer-

chants of the Hanse Towns. The disputes were ended by Henry paying 30,000 nobles to the grand master of Hamburgh, and the latter paying 666 nobles to the English complainants. A treaty of reciprocal freedom of commerce and of friendship was at the same time ratified betwixt England and the Hanse Towns, and several treaties were made by the king with Castile, Portugal, Flanders, and other countries. Various corporations were also formed before and during this reign, and many corporations had foreign representatives or consuls at Prussia, the Hanse Towns, Holland, Zealand, Brabant, Flanders, Norway, Sweden, Denmark, and other countries. At this period banks were established at Barcelona and Genoa. Before the beginning of the fifteenth century, it was enacted by a law of Richard II. that all exports or imports of merchandise in any other than English ships should be prohibited, under pain of forfeiture of the vessel and the lading. This was the first English navigation-law; but it does not appear to have been strictly enforced.* In 1409 Henry IV. permitted the merchants of Venice to come to England with ships laden with merchandise, to transact business in English ports, then to pass over to Flanders, and to return from thence to his dominions without impediment from his officers; to load their vessels with woollen cloths, and then return to their own country. This privilege thoroughly evaded the navigation-law, and being frequently renewed, was considered of very great value, by unfettering a profitable exchange of the commodities of England with those of other countries. The trade of England with Spain was at this time chiefly

* 5 Richard II., chap. 1, stat. 3.

carried on indirectly through Bruges, and the Spanish exports at that mart consisted chiefly of figs, raisins, rough wine, dates, lemons, olive oil, grain, soap, wax, wool, goat and kid skins, saffron, iron, and quicksilver. There was a direct trade between England and Portugal, the imports from which were wine, honey, figs, raisins, dates, salt, hides, grain, and a few other articles. The Genoese trade was also a direct trade. The delusions of what is termed the "balance of trade" began about this time to prevail. It may be remarked that about this century some of those who had acquired wealth in trade became members of the aristocracy, and William De-la-Pole, the founder of the family, who subsequently attained the rank of Duke of Sussex on being allied to royalty, had lent King Edward no less a sum than 18,500*l*.

But notwithstanding the numerous merchants who acquired fortunes by trade, commerce generally continued to be restricted by pernicious legislation. In 1429 it was enacted that no Englishman should sell goods to any foreigner except for prompt payment in money, or goods in exchange; under penalty of forfeiting the article sold. The law, in consequence of the loud complaints to which it gave rise, was revoked; but soon afterwards it was ordained that no foreign merchant should sell goods to another foreigner within the realm of England under penalty of forfeiture of the goods sold. All the reasons given for such fallacious legislation indicate the utter ignorance which then prevailed as to the true principles of interchange.

Before the end of the fifteenth century a treaty was ratified between England and the Hanse Towns,

which enabled them to trade under certain privileges in their courtyard (stahl-hof) or steelyard in London. They had similar institutions at Lynne and Boston. Seven acts were passed during the short reign of Richard III. relative to commerce and manufactures. The professed object of those laws was to favour commerce and manufactures, but they contained little beyond a pernicious interference with the natural freedom of trade, and their avowed purposes were to keep down the prices of foreign commodities.

VI.—COMMERCE OF ENGLAND ON THE ACCESSION OF THE TUDORS.

On the accession of Henry VII. an unprecedented spirit of maritime enterprise prevailed in several of the maritime states of Europe; and the avaricious spirit of this prince led him to look to trade as the pursuit which would enrich both himself and his subjects. But his views with regard to commerce and navigation were as narrow as all the other principles of his policy. His opinions, it is believed, were conveyed to the parliament which assembled in 1487 by the mouth of his chamberlain, Cardinal Morton, in these terms:—"His grace prays you to take into your consideration the matters of trade and also of manufacture, and calls upon you to repress the bastard and barren employment of monies to that of usury and unlawful exchanges, that they may be, as their natural use is, turned upon commerce, and lawful and real trade. Let people be set to work in arts and handicrafts, that the realm may subsist more upon itself, and the draining out of our treasury for foreign manufacture stopped. Provide further, that

whatsoever merchandise is brought in beyond the seas may be made to yield something to the land, that the kingdom's stock of treasure may be kept from being diminished by the overtrading of the foreigner. The king is well assured that you will not have him poor who wishes you rich; he prayeth that you will have care to maintain his revenues and customs, and that you will yield to him your loving aid if the case shall so require. The king is a good husband and a fit steward for the public, and that which comes from you is but as the moisture which is drawn from the earth, and which falls back to the earth again."* These fallacious opinions were no doubt at the time as attractive to the audience to whom they were addressed as the delusions of supporting native industry by prohibition or high duties on foreign commodities are to the modern protectionists of England.

In the third year of this reign an act was passed prohibiting the lending of money on interest, under the penalty of abrogating the contract and a fine of 100*l.*, "reserving to the Church this punishment, notwithstanding the correction of their souls according to the laws of the same." It needs scarcely to be observed that the objections to the payment of interest arose from intolerance, or rather dishonesty, towards the Jews. Another act revoked an ordinance of the lord mayor and magistrates of London, which prohibited the citizens from selling their wares in any fair or market out of London; the object of the corporation of London having been to secure to the city of London a monopoly of the sale of all commodities.

* Bacon's "Henry VIII."

This unjust measure was represented by the commons as utterly destructive of all other fairs throughout the kingdom: "as there were many fairs for the common weal of the king's liege people, as at Salisbury, Bristol, Oxenforth, Cambridge, Nottingham, Ely, Coventry, and many other places, where the lords spiritual and temporal, abbots, knights, squires, gentlemen, and said commons over every county, hath their common resort to buy many things to be good and profitable as ornaments of the holy church, chalices, vestments, and other ornaments for the holy church aforesaid; and also for victualling in time of Lent and other staples, as linen cloth, woollen cloth, copper, pewter, flax and wax, and many other things, the which might not be forborne among the king's liege people." It would appear that those fairs which were held periodically in the principal towns were chiefly supplied with manufactured articles by the citizens of London. Henry concluded a treaty of commerce in 1490 with Denmark, which enabled English subjects to purchase and to hold lands and tenements in various places of Zealand, Norway, and Loysa in Sweden, in which there were at that time English residents. The trade at that time between the two countries appears to have been carried on in English vessels; and fish was the commodity then imported from Denmark. A treaty of commerce was also ratified with Florence, to the ports of which English ships began to trade some time before—the exports from England being chiefly wool. In consequence of the conduct of the Duchess Dowager of Burgundy in the case of Perkin Warbeck, Henry in

1493 ordered all the Flemmings out of England, and prohibited all intercourse between England and Flanders. The English were immediately afterwards expelled from the Netherlands. Bacon remarks that this interruption of trade began to "pinch the merchants of both nations, and they soon endeavoured by all means they could devise to respectfully urge upon the sovereign to open the intercourse again." The archduke and his council began to see that Perkin "was but a 'runagate' and a citizen of the world, and that it was only the part of children to fall out about babies. But that which moved Henry most was the loss of wealth and treasure; and he could not endure the trade which brought him money to suffer obstructions." Therefore a treaty was arranged for the renewal of the trade; and Bacon says, "the English merchants came again to their mansions at Antwerp; where they were received with processions and great joy."* "The Merchant Adventurers," he observes, "being a strong company at the time, and well underset with rich men, did hold out bravely, taking off the commodities of the kingdom, although they lay dead upon their hands for want of vent." The merchant adventurers of London were afterwards, in 1505, incorporated by royal charter, under the title of "The Merchant Adventurers of England." An act of parliament which passed in 1497 affords a summary view of the foreign trade of England at that time.† A petition of the other merchants of England against the Merchant

* This treaty with the Flemings was named "Intercursum Magna."

† 12 Henry VII., chap. 5.

Adventurers, states, "that they had been wont and till of late to have course and recourse with their merchandise to Spain, Portugal, Russia, Ireland, Norway, Dantzic, and Friesland, and others divers places, being in league and amity with the king our sovereign lord," where they "proceeded in a manner deemed by each most for his advantage, without exaction, fine, imposition, or contribution, being taken off them to, for, or by any English persons or person." But now "the fellowship of mercers, and other merchants and adventurers of the city of London, had made an ordinance that none other resorting to the marts of Flanders, Holland, Zealand, Brabant, and other places, or to the dominions of the Archduke of Burgundy, should either buy or sell goods or merchandise there, unless he compounded and made fine with the said fellowship of merchants of London, under pain of forfeiture of the goods."

At the beginning (continues the petition), "when it was first taken, it was demanded under the name of the fraternity of St. Thomas of Canterbury, at which time the fine was one and half nobles sterling, and so by colour of such feigned holiness it hath been suffered to be taken for a few years past, and now it is so that the said fellowship of merchants of London take of every Englishman or merchant being there at his first coming the sum of 20*l.* sterling before they suffer him to buy any goods, or sell his own proper goods and merchandise that he hath there." The petition further asserted, that in consequence of this imposition the English merchants, not belonging to the London Company, abandoned the foreign markets; the result of which was, that "wool-

len cloths, the chief fabric of the realm, by making whereof the king's true subjects be put in occupation, and the poor people have most universally their livelihood," were not so extensively sold as formerly. That for want of buyers, many in different parts of the country were obliged to send such cloths to London, and to sell them under their prices; adding, that several who had been driven to this expedient were never paid. The petition also complained, that as the importation of foreign merchandise was monopolised by the London Company, goods were sold at so high a rate that the buyer could not retail them and have any profit. It concluded by alleging that several cities, towns, and boroughs had consequently fallen into decay and ruin, and that there was no hope of their being able "to redeem the diminished subsidies, customs, and navy of the king, nor save themselves from further ruin, unless a due reformation were made on their behalf." Notwithstanding this petition, the act which was passed did no more than limit the fine to ten merks, or one-third of the former fine, and it continued to the London merchants legal power over the foreign trade of England; which they contested for as a right for more than a century.

An act passed in 1504, relating to the importation of silks, prohibits "any manner of silk wrought by itself, or with any other stuff, in any place of this realm;" also "ribands, girdles, gauzes, *culs* or capes, gauzes of tissues or points."* Bacon says, that these articles of silk the people of England "could then well make;" but that all other manner of silks were

* 19 Henry VII., chap. 21.

not in use in the realm at that time, and they were conditionally allowed to be imported. Bacon was a stanch protectionist, or he rather failed to apply his reasoning powers to an examination of the true principles of interchange, for he lauds the policy and wisdom exhibited by the king in this act, "which pointed out the true principle that where foreign materials are but superfluities, foreign manufacture should be prohibited, for it will either banish the superfluity or gain the manufacture."

Two years afterwards, when the Archduke Philip was driven by stress of weather into England, Henry extorted a commercial treaty from that prince, which the Flemings termed "*Intercursus malus*," in contradistinction to the treaty of 1496. In 1507 it appears that Henry, by a letter or charter, gave permission to some Venetian merchants to import articles into London and elsewhere in England, and to reload with woollen cloths, lead, tin, leather, and other articles of English manufactures for Spain, Portugal, Flanders, Holland, Brabant, Lombardy, Burgundy, and all other foreign countries.* It is remarkable that the king at this period entered into money contracts, as was the case in respect to the dowry which he had agreed to pay over to his daughter, in the event of her marrying a prince, the emperor's grandson, who afterwards became Charles V. The towns were obliged to become security for the fulfilment of the contract. On this occasion London, Bristol, Chester, Norwich, Coventry, Southampton, Exeter, Worcester, York, Hull, Boston, and Newcastle-on-Tyne, guaranteed the contract.

* Rymer's "*Fœdora*."

During the whole reign of Henry VII., the encouragement which he extended to commercial enterprise and maritime discovery scarcely exceeded the mere license given to pursue such enterprises. He gave no solid encouragement to Columbus; and although he granted a patent to John Cabot and his three sons—Venetians, who had become citizens of Bristol—it was entirely at their own cost, and under condition to pay him the one-fifth part, either in merchandise or in money, of any profits which they might realise, although he did not contribute one shilling towards the expense of the expedition. The Cabots discovered the coast of America from Labrador to some point, probably as far south as Florida. But meeting with no encouragement on their return; and although Sebastian Cabot made two voyages to the coast of America afterwards, further discovery was abandoned, until Sebastian became in the following reign the principal mover in an expedition which was sent to the north of Europe under Sir Henry Willoughby. But a spirit of adventure manifested itself in England in consequence of the success of the Spaniards in America, and that of the Portuguese in sailing round the Cape of Good Hope to India.

During the early part of the reign of Henry VIII. great complaints were made against the number of foreigners who were settled as merchants and manufacturers in England. Hall, a writer who gave his attention with apparent care to matters of trade and commerce, says, "that popular grievances were great, and that there were such numbers of foreigners employed as artificers, that the English merchants

had little to do;—that by reason of the merchant strangers bringing all kinds of silk, cloths of gold, wine and other merchandise, no man bought of the Englishman, whose exports were so little, that he was unable to live;—that the foreigners walked the city round about, and were to be seen in Westminster, Holborn, Fenchurch-street, St. Martin's-le-Grand, Tower-hill, and St. Catherine's; and so possessed the market that the English were in want and starving, whilst they lived in abundance and pleasure." Those complaints prove that the English were more indolent or less skilful than foreign artisans or merchants.

Grievances, which have had their advocates down to the present day, were also proclaimed against the introduction of any foreign commodity which competed with those of home production. The Dutch were accused, as if they were criminals, for importing iron, timber, manufactured leather, nails, locks, saddles, painted cloths, chests, tables, stools, and cupboards. Tumults followed. In one of those a preacher of the name of Bell, canon of Spittal, became the advocate of the protectionists, and exclaimed, in Latin and in English, from the pulpit, "The heavens to the Lord of Heaven, and the earth to the children of men,—this land was given to Englishmen; and as birds defend their nests, so ought Englishmen to cherish and maintain themselves, and to hurt and grieve aliens for respect of their common weal." A great riot, in which the apprentices were the principal and most formidable aggressors, broke forth in the city; the mob broke open the prisons and plundered the private houses

of foreigners; and they continued their depredations till three o'clock in the morning, when great numbers of them were arrested and sent to the Tower, Newgate, and other prisons. Most of the rioters who had been imprisoned were condemned to be hanged, drawn, and quartered, in various parts of the city. Ten pairs of gallows were set upon wheels, to be removed from street to street, when the prisoners were to be hanged. But only one leader in the riot was hanged; the others were saved through the intercession of Cardinal Wolsey. The day of this riot being the 1st of May, it was for a long period called "Evil May-Day." A law was afterwards passed, prohibiting foreigners using any manner of handicraft within the realm; from taking any one as an apprentice under a penalty of 10*l*. for each offence, unless such an apprentice was a native of England; and no foreign artisan was allowed to keep in his service, at any one time, more than two journeymen. Various other restrictions of an inquisitorial and vexatious character were imposed on all foreign artisans and manufacturers.

As an instance of the interference of government with the trade of the country, the merchants of London were compelled to purchase cloths and other articles made in England from the manufacturers, when the intercourse with the Netherlands was closed by war. When Wolsey, in order to further his own ambitious projects, was about to involve England in a war against the Netherlands, he commanded the merchants to buy cloths from poor men's hands at a fair price; for, if they did not, the king would buy and sell them to foreigners. "But the merchants," says Lord Herbert, "would not un-

derstand the reason to buy goods which they could not utter, and they prevailed with the council to advise the king against a war with the Low Countries,"—a proof that the interests of commerce had then acquired a powerful influence in the kingdom.

The first trading voyages to Africa and America which realised any profit were made by Hawkins, of Plymouth, in 1530. The first and second were to Guinea for elephants' teeth and other articles, which he sold in Brazil. He made another voyage two years afterwards. About the same time ships belonging to London, Bristol, and Southampton, carried on what was then called "a great trade" with Sicily, Candia, Chio, Tripoli, and some other places within the Mediterranean, in woollen cloths, skins, and some other articles, bringing back silks, camlets, oils, carpets, cotton wool, Indian spices, rhubarb, and wine. It is also recorded that Spanish, Portuguese, Genoese, Sicilian, and other foreign vessels, were freighted by the merchants engaged in the Mediterranean trade. In 1546 an act was passed allowing interest to be taken in the lending and borrowing of money at a rate not exceeding 10 per cent. Henry VII. employed Sebastian Cabot in 1517 to make a voyage in quest of a north-west passage. He is said to have entered Hudson's Bay, and to have reached the latitude of 67 deg. 30 min. north; but meeting with no encouragement on his return, he entered the employment of Spain, in which he is said to have distinguished himself. He returned to Eng-

land in the reign of Edward VI., who granted him a pension of 250 merks. He became afterwards the governor of an association of merchants for carrying out maritime discovery, and three vessels were directed to sail round the north of Europe, under the command of Sir H. Willoughby, to pass by the north-east seas to China and other lands in the East. The fate of Willoughby is well known. Having wintered in a harbour of Russian Lapland, he was found the following year with the crews of two of his ships, seventy in number, all frozen to death. The commander of the third vessel, having been driven into the White Sea, sailed south, landed at Archangel, and proceeded over the snow in sledges, where he engaged with the Czar for commercial privileges on behalf of an association, which afterwards became the English Russian Company by a charter from Queen Mary. After the death of Edward, Cabot was treated with ingratitude; he was deprived of half his pension in 1537, and all his maps and papers were taken from him. We hear no more of the fate of this enterprising and intelligent navigator, whose discoveries and advices led to the prosecution of the Newfoundland cod fisheries, and whose counsel and instructions led to the opening of a trade which soon became important with Russia.

During the reign of Edward VI. the privileges of the Steel-yard Company were abolished. By those privileges the Hanse merchants, under charters and treaties, nearly monopolised some profitable foreign trades, by their being exempted from

the payment of various customs imposed upon other merchants. By means of their capital and power of combination, they were also enabled to destroy competition on the part of less powerful rivals. The representation of 'the "Merchant Adventurers," in 1551, led to the order in council of the 23rd of February, 1552, which declared that the steel-yard merchants had forfeited their liberties, and that for the future they should be placed on the same footing as other strangers. Two years subsequently, Queen Mary restored their privileges; but they seem to have been withdrawn some time afterwards, for that company continued to decline until 1597, when the house occupied by them in the steel-yard was closed by Queen Elizabeth, and the company suppressed. But although the commercial interests of the country gained by this act, the "Merchant Adventurers" monopolised nearly all the trade which was previously conducted by the Hanse merchants.

In 1556, two ships were sent by the Russian Company to Archangel, and after trading in various commodities they returned, bringing back the two ships which had been frozen since 1553 in Lapland, together with the body of Sir H. Willoughby. In one of the ships there was an ambassador from the Czar to the King and Queen of England, but that vessel being lost upon the Scottish coast, the presents sent by the Czar to Elizabeth were also lost, although the diplomatic intercourse had been opened. Four ships were sent to Russia during the following year, and Mr. Jenkinson, the agent

for the company, crossed Muscovy from Archangel, sailed down the Wolga to Astrakan, whence he traversed the Caspian and travelled to Bokhara, the resort at that time of merchants from China, India, Persia, and Russia, and returned to England in 1560. From this time the trade between England and Russia continued to flourish.

The loss of Calais in 1588 caused the staple to be transferred from that town to Bruges, an emporium, however, then beginning to decline, in consequence of the prosperity of Antwerp. The commerce and navigation of England, in comparison with those of other countries, acquired an extraordinary degree of prosperity during the long reign of Queen Elizabeth; and a reference to an act which was passed by the first parliament in her reign is instructive, from a declaration in the preamble admitting the evils of legislative interference with the freedom of trade. In reference to the importing or exporting of goods only in English vessels, the preamble states, that certain foreign princes had felt themselves aggrieved by this exclusive and selfish law, and having in consequence adopted an equally stringent law with regard to the commerce of their own countries, the merchants of England engaged in foreign commerce had suffered great disadvantages. It was therefore enacted by the parliament, that merchandise might be imported or exported in foreign vessels, on the payment of aliens' customs, with a reservation that the merchants of the staple and the merchant adventurers were allowed twice

a year to export goods from London in foreign bottoms, on paying no higher duties than on English ships.*

There is no doubt that the trade between England and the Netherlands, at that period, was, for the age, of considerable magnitude; but the statement of Guicciardini appears to us exaggerated. The exports from Antwerp to Great Britain were also of great value. It was in the earlier part of the reign of Queen Elizabeth that the queen's merchant, the celebrated Sir Thomas Gresham, who managed all her remittances and other money concerns with other foreign states, and with her armies beyond sea, began the building, in 1566, of the Royal Exchange, of London. It was planned by his father in imitation of the Exchange at Antwerp. Its foundation was laid by Sir Thomas, and it was finished in 1570.

The reign of Queen Elizabeth was distinguished by those long voyages, which led to the foundation of the British colonial empire, and to the formation of several trading companies. Martin Frobisher, in 1567, sailed with three barques, two of twenty-

* In an account of the Netherlands, written by Guicciardini, quoted by Mr. M'Pherson, in his "Annals of Commerce," it is stated that in the beginning of the reign of Queen Elizabeth, we exported annually to Bruges more than 1200 sacks of English wool, of the value of 250,000 crowns. In Mr. M'Pherson's translation, it is further stated that "it is marvellous to think the vast amount of drapery imported from England into the Netherlands, being undoubtedly, one year with another, about 200,000 pieces of cloth, which, at 25 crowns each, gives five millions of crowns, or one million pounds sterling; the whole of the English imports amounting to twelve millions of crowns, to the great benefit of both countries; and that mutual commerce might be developed and carried on with greater advantage, the merchants on both sides are so sensible that they have fallen into a way of insuring merchandise from losses by sea by joint contributions."

five tons each, and a pinnacle of ten tons, towards the Artic regions. The queen and several of the nobility encouraged this expedition, by which Frobisher expected to discover a north-west passage to India. He sailed from Deptford, and proceeded to the Shetland Islands, thence to the coast of Greenland, and having entered Hudson's Bay by the straits to which he gave his own name, he landed at some points of the coast, and returned to Harwich in October following, having lost some of his men, and encountered a tremendous storm.* Frobisher sailed on the 31st of May of the following year, not in search of a north-west passage, but for gold, and brought back a quantity of black stone, supposed to contain gold ore, but which was found to contain scarcely any portion of that metal. Notwithstanding which he sailed on the 31st of May, 1578, with no less than twelve ships, in addition to those which he commanded on his previous voyages, in order to bring back full cargoes of gold ore. This expedition was utterly unsuccessful. The vessels were driven to and fro by tempests, and only six or seven reached the entrance of Frobisher's Straits, where a quantity of black stone was collected, and the expedition returned to England in October. The only advantage derived from these voyages was the geographical know-

* Frobisher brought nothing back with him except a heavy black stone, which, having been broken into fragments, a woman who possessed one allowed it accidentally to fall into the fire, and on its melting, it was found to contain a small portion of gold. This circumstance led to the second expedition for the stones supposed to contain that metal, and from which he returned to England in the end of September, 1568.

ledge of a large portion of the coasts and inlets of the Polar Seas.* The second voyage round the world was accomplished by Sir Francis Drake, who commanded five vessels, the largest of which was one hundred tons and the smallest fifteen tons. Among the adventurers, altogether 164 in number, there were several young noblemen. The vessels belonged to private individuals, and this expedition cannot be considered in any more favourable light than a piratical adventure. It sailed from Plymouth in the middle of November, 1577, passed through the Straits of Magelhænes in September, 1578, and sailing along the western coast of America, to latitude 48 north, plundered the Spanish settlements, crossed the Pacific to the Moluccas and Java, and returned home round the Cape of Good Hope, to England, arriving at Plymouth in September, 1580.

Elizabeth, who had secretly approved of this expedition, acted with her characteristic duplicity. She sequestered the immense treasure brought back by Drake, in order to make it appear to the Spaniards that she condemned their conduct, and professed her readiness to repay its proceeds to the Spaniards, if it should prove suitable to her political views. But, notwithstanding her dissimulation, she conferred the honour of knighthood on Drake, and accepted a banquet on board of his ship, which was laid up in Deptford Creek, to remain as

* Frobisher was one of the boldest of the early British navigators, and his reputation is not stained with the piratical character of Hawkins, Drake, and others.

a monument of the second voyage round the world having been performed by one of her captains. The greater part of the treasure plundered by Drake was divided among the adventurers, and it is probable that the queen received a large share. A small portion, it is said, was afterwards paid to satisfy the claims of some Spanish merchants. The citizens of London and the seaports extolled Drake for the successes of his enterprise; but Camden informs us that he was greatly mortified when "some of the chief men at the court refused to accept the gold which he offered them as the gain of piracy." Mendoza, the Spanish ambassador, expostulated in proud terms against Drake for having dared to sail in the Indian Seas. But the queen defended her captain, and boldly declared the right of her subjects, and those of other princes, to resort to the Americas, then called the Indies, without either the sanction of the Spaniards or the Bishop of Rome.

Three voyages were made in search of a north-west passage by John Davies, who discovered the strait which bears his name, and explored several parts of the Polar regions, which were not discovered by Frobisher.

A buccaneering expedition sailed in 1586 from England, under the command of Thomas Cavendish. He circumnavigated the globe, having also plundered various Spanish settlements in America, and he returned to England in 1588. Three years afterwards Cavendish sent forth another expedition, and in one of the vessels Captain John Davies discovered the Falkland Islands. Merrick and

Hawkins also sailed round Cape Horn to the Pacific. The Turkey Company was incorporated in 1581, and two years afterwards their agents traversed the country from Syria to the Persian Gulf; and one of them reached Agra, Bengal, Ceylon, and other parts of India, and returned in 1591 by the same route to England. During this year the first voyage of the English to India round the Cape of Good Hope was performed by Captain Lancaster. The voyage was in many respects disastrous. He returned with a cargo of pepper and other spices, which he purchased at Sumatra and Ceylon, but he strayed or was driven towards the Spanish West Indies, where he lost his ship on a small island near Hispaniola, from which he returned to Europe in a French vessel in May, 1594. In 1596, a second expedition of three ships left England for India. This adventure proved successful.

In September, 1599, the lord mayor, magistrates, and other merchants of the city of London assembled at Founder's Hall, and subscribed 30,000*l.*, in order to open a direct trade by sea, to India; and in December, 1600, Queen Elizabeth incorporated by charter the Governor and Company of Merchants of London, trading to the East Indies. This charter conferred the exclusive right of trade for fifteen years to all countries from the Cape of Good Hope, eastward to Cape Horn, excepting such places as were actually in possession of any Christian prince in friendship with the queen. Four ships, the largest 600 tons, the smallest 250 tons, were equipped, and laden with suitable merchandise,

and manned with 480 seamen. Lancaster, under the title of Admiral, was invested with the command, and with the power of martial law. He sailed from Torbay in April, 1601, and arrived at Asheen, in Sumatra, early in June of the following year. He returned to England a short time after the death of Queen Elizabeth. Such was the origin of the East India Company, and of the enterprises which led to the acquisition of the British Empire in India.

The first attempts to establish colonies in America were made under the auspices of Sir Walter Raleigh in 1576. Raleigh sailed with his brother Gilbert for America, but he was driven back with the loss of one of his ships. No second attempt was made until 1583, and the expedition was again unsuccessful. Gilbert arrived at Newfoundland, but on returning he perished with his ship; and of the five vessels with which he sailed, only one returned to England. Raleigh then sent two vessels to the coast of America, and they explored the shores of Virginia. He received a patent from the queen to establish colonies, which was confirmed by parliament in 1585, and he sent a squadron of seven vessels, under the command of Sir R. Granville, who established the first settlement, consisting of 180 persons, at Roanoke, in Virginia. These first colonists were attacked by the natives, and most of them were carried back to England by Sir Francis Drake, who touched at Virginia in returning from one of his buccaneering expeditions. Raleigh continued his efforts to colonise Virginia with success, and he was only debarred in following out

that object by the measures in which the queen engaged him for the defence of the country against the Spanish Armada.

The whale fisheries to the Northern Seas commenced in the year 1575; and we find that in 1577, there were fifteen merchant vessels engaged in the cod fisheries on the coast of Newfoundland. The French at that period had 150 ships, the Spaniards 100, and the Portuguese 50, employed in these fisheries. The East-Land Company was incorporated in 1579, with the exclusive right of trade and navigation between England, Norway, Sweden, and all countries along and within the Baltic Sea.*

Until the reign of Queen Elizabeth, the coinage of the realm had been so greatly debased, especially by Henry VIII. and Edward VI., that on its being called in for the purpose of recoinage at the Mint, its intrinsic value was no more than 244,000*l.*, although it passed current for about 640,000*l.* Of the new coins, sovereigns were the first monies coined with milled edges. She also coined crowns, half-crowns, angels, half-angels, quarter-angels, nobles, and double nobles, milled shillings, sixpences, and other silver monies. The crown pieces coined by Elizabeth were in imitation of the Spanish dollars, then valued at 4*s.* 6*d.*, and were intended chiefly for the commerce of the East India Company.

* Those exclusive privileges were abolished at the Revolution of 1688.

VII.—ORIGIN OF THE ANGLO-AFRICAN SLAVE TRADE.

While sketching the progress of the commerce of England down to the death of Queen Elizabeth, we cannot omit a detestable branch of that trade which was begun in the year 1562, and which horrible traffic was conducted to a greater extent by the English than by the merchants of all other countries, for about 220 years. All the European nations who established colonies in America, introduced slave labour at an early period; but for a long time England was the only country which had engaged in the disgraceful and atrocious traffic of supplying the foreign plantations of other Christian states with slaves. The early navigators of England who frequented the coasts of Africa and America cannot be considered in a more favourable light, however much their exploits may have been extolled, than piratical marauders. We cannot even except Sir Francis Drake and Sir Walter Raleigh from this black catalogue; and excepting that their exploits were conducted upon a greater scale, and that their plundering adventures were sanctioned by royal authority—although the latter was sometimes disregarded—the celebrated buccaneers of the Antilles and Lucayan Islands, had as high a moral justification for their piracies and murders as the authorised depredators who sailed under the English flag.

Of those armed maritime rovers, the one who appears in the most dishonourable character in the naval chronicles of England, is Sir John Hawkins,

afterwards the Treasurer of Queen Elizabeth's navy. His father, who had early traded to the Canaries, and to the coast of Africa and Brazil, left his journals, containing glowing accounts of those countries, to his son, who was also brought up to the sea. Hakluyt, describing the first slave trading voyage of "*the right worshipfull and valiant knight and treasurer of her Majestie's navie,*" says in his quaint style, "*and being amongst other particulars assured that NEGROES were very good merchandise in Hispaniola, and that store of negroes might easily be had upon the coast of Guinea, resolved within himselfe to make trial thereof, and communicated that device with his worshipful friends in London, namely, Sir Lionel Ducket, Sir Thomas Lodge, and many others, all of which persons liked so well of his intention, that they became liberal contributors and adventurers in this action, for which purpose there were three good ships immediately provided. The one called the *Solomon* of 120 tunnes, wherein Mr. Hawkins went himself as general; the second the *Swallow* of 100 tunnes, and the third the *Jonas* of 40 tunnes, in which three ships Mr. Hawkins took no more than 100 men.*"

With this fleet Hawkins sailed from England in October, 1562, and having touched at the Canaries, sailed for and arrived at Surnheme, "*when,*" according to Hakluyt, "*he stayed some good time, and got in his possession, partly by the sword, partly by other meanes, to the number of 300 negroes at the least, with other merchandises which that countrie yieldeth. With this praye he sailed over the ocean sea unto the island of Hispaniola, and arrived*

first at the port of *Isabella*, and there he had reasonable utterance of English commodities, as also of some part of negroes, trusting the Spaniards no further than that by his own strength he was able to master them. From the port of *Isabella* he went to the *Port de Plata*, where he made like sales, standing always upon his guard; from thence he sailed to *Monte Christi*, another port on the north side of Hispaniola, and the last place of his touching, where he had peaceable trafique, and made vent of the whole number of his negroes, for which he received in those three places by way of exchange such quantitie of marchandise that he did not onely loade his owne three ships with hides, gingers, sugars, and some quantities of pearles, but he fraighted also two other hulkes with hides and other like commodities, which he sent into Spain, and thus leaving the island he returned and disembarked, passing out by the islands of the Caycos without further entering into the Bay of Mexico, in his first voyage to the West India. And so with prosperous successe and much gaine to himselfe, and the aforesaid adventures he came home and arrived in the month of September, 1563."

Such is the account we have of the commencement of the trade in slaves by the English, as written about 1598, with complacent satisfaction at its success, by the Reverend Richard Hakluyt, Prebend of Westminster.

It appears that many of the negroes who had been sold in Hayti by Hawkins, were inveigled away by him from Africa by his comparing their wretched condition to what it would be in the fertile and happy country to which, if they pleased,

he would convey them, and where they would be received with hospitality and friendship. These negroes had previously been attacked by a hostile tribe, and the former, being assisted by Hawkins, captured several of the latter, by which means he carried to Hayti a mixed cargo of nearly 400 of both tribes.

When he returned to England with his ships richly laden, the success of his voyage occasioned the greatest curiosity and interest; and some persons who judged of the expedition according to its barbarious character, represented its iniquity to Queen Elizabeth, who sent for Hawkins and expressed her displeasure at his carrying off the Africans without their consent. Hawkins denied his having done so; and boasted that he had accomplished an act of humanity in carrying men with their own consent from a country of heathen barbarism to a land of Christians, who would soon convert the poor infidels. This canting hypocritical declaration satisfied the virgin queen, who promised her countenance and support to Hawkins, while he continued to carry Africans with their free will, to where they should embrace the true faith. We may observe that this most cruel traffic in which the English were for 220 years afterwards engaged, was like other atrocities commenced under a religious pretence, and that there prevailed a combination of fanaticism and avarice, which distinguished all the early discoveries, conquests, and settlements of America. The endeavours to palliate injustice and cruelty by religious pretext or motives, is certainly among the most remarkable iniquities of that age.

In October, 1564, Hawkins sailed upon his second slave-trading voyage, on board the *Jesus*, of Lubeck, of 700 tons—a great burden for a ship at that period. He was accompanied by his former ship, the *Solomon*, and two smaller vessels; and having met at sea with two of the queen's armed ships, the *John Baptist* and *Minion*, they proceeded together to the coast of Africa. On his arrival, Hawkins commenced trafficking on the coast of Sierra Leone; and in order, if he could, to keep his promise to the queen, he began his former method of inveigling the negroes away from their country; but as none of those whom he had carried off during the last voyage had returned, he found the Africans suspicious; and the masters and crews of the ships of war becoming impatient—some dying, and all suffering from the delay on an unhealthy coast—the masters proposed immediate recourse to the compulsory capturing of negroes. The Africans were consequently attacked several times—sometimes with success, and often with loss of life on both sides—at length they completed their cargo of human victims. In the journal of this piratical expedition in “*Kaluyt's Collection*,” it is stated: “The 29th of the same month (January) we departed with all our ships from the Sierra Leone, towards the West Indies, where for the space of 28 daies wee were becalmed, having nowe and then contrarie windes and some tarnados amongst the same calme, which happened to us very ill, being but reasonably watered for so great a companie of *negroes* and ourselves, which pinched us all; and that which was worst, put us in such feare, that many never thought

of getting to the Indies, without great death of negroes and themselves; but Almighty God, who never suffereth his elect to perish, sent us the 16th of Februarie the ordinarie briesse, which was the north east winde, which never left us until we came to an island of the *Cannibals*, called *Sancta Dominica*, on the 9th of March."

Hawkins proceeded with his vessels and slaves from one Spanish port to another in the West India Islands, until he sold all his negroes, and returned to England by way of Florida.

Such was the origin of that atrocious traffic, which England carried on by many of her merchants, ship-owners, and mariners, becoming a confederation of legalised pirates, who conducted their depredations by fleets fitted out from her harbours; who entered into the *Assiento* contracts to supply the Spanish West Indies with negro slaves; and, who bequeathed to America the most pernicious, and, up to the present day, and probably hereafter, a greater curse than all the plagues which affected the Egyptians.

With respect to the royal navy and commercial marine of England during the reign of the Tudors, our accounts are sufficiently correct to enable us to form an approximate estimate of the number of ships, and of their tonnage. In 1547 the royal navy of Henry VIII. amounted to 12,455 tons, but in the reign of Edward VI. it fell to 11,065 tons, and at the death of Mary to 7110 tons. At the death of Queen Elizabeth, in 1603, the tonnage of the royal navy was stated at 17,110; the largest ship measured

1000 tons, carried 40 guns, and 340 scamen.* Camden says that "foreigners considered Elizabeth the restorer of the naval glory, and the queen of the North Seas—that she had no occasion to hire ships of the Hanse Towns, Genoa, or Venice. That the wealthy inhabitants of the sea-coast did follow the queen's example, and built ships of war with all imaginable cheerfulness, insomuch that in a short time the queen's fleet, in conjunction with the ships of the people, was very large, and so potent as to furnish out 20,000 fighting men for the sea service." All merchant vessels were compelled to serve as armed vessels when required by the queen; and there is an official list in the State Paper Office which estimates the number, on one occasion, at 135 men of war, of 2500 tons burden.

In the same list there is an account which states the number of ships armed and equipped to attack the Spanish Armada at 117 vessels, and 11,120 seamen. But another account makes the number of ships 181, which included 34 men-of-war, 5 of which were each from 800 to 1100 tons burden, 18 private adventurers, 43 hired ships, 53 coasting vessels, supplied by the seaports, and 33 furnished by the merchants of London. In the same year, it is stated, that of the 150 ships which Elizabeth had at sea, 40 only were the property of the Crown. Besides these 110 hired vessels, it would appear that the merchant ships of the kingdom amounted to 150 sailing vessels,

* The whole tonnage of Queen Elizabeth's royal navy was 500 less than 20 ships belonging to the Messrs. Green, sailing direct from the River Thames to India.

of an average burden of 150 tons, and of 40 seamen each. At the death of the queen, it was estimated that the commercial shipping of the kingdom had increased about one-third above the tonnage of 1588, or to about 340 sailing vessels, of an average of above 150 tons.

Such is the substance of our information relative to the commerce of England during the reigns of the Tudors, and at the death of Queen Elizabeth.

VIII.—STATE OF IRELAND AT THE DEATH OF QUEEN ELIZABETH.

The inhabitants of Ireland were no doubt of the same origin as the Celtic inhabitants of Britain, with a mixture afterwards of Northmen and Milesians. But, as the Romans did not pass over into Ireland, we have scarcely any knowledge of that country transmitted to us by the Roman historians; and until about the middle of the ninth century, the history of Ireland, as well as of Scotland, may be considered nearly altogether fabulous. The bardic legends of Ireland—even the *psalters* of Tara and Cashel, which are supposed to have been lost, and the books of Leinster, Ulster, Orgial, and Lercan, can no more be considered historical than M'Pherson's "Poems of Ossian." But they have in song and legend a traditional influence over the Irish heart, which will survive in that country the extinction of the last fragment of the Celtic language. The period is doubtful when Christianity was first preached in Ireland; and its history in that island is as much obscured by legends, forgeries, and miracles, as that of the most

fabulous periods. St. Patrick is described as a youth of sixteen years of age, when brought to Ireland from France in the third year of the fifth century by one of the kings or petty Irish princes who had visited that country. Some accounts assert that, on his being sold as a slave, he was employed as a shepherd; and others, that he had care of his master's swine. During six years of bondage it is said that he spent the night and a portion of the day in meditation and prayer. How he escaped from that condition is uncertain; some allege that he fled from his master, and others that his bondage ceased after a term of seven years. Britain, Wales, Gaul, Ireland, and Scotland, each claim St. Patrick as a native. Others say that his mother, Conqueza, was the sister of Martin of Tours, at the college of which place he was afterwards educated; that, after various adventures, he was commissioned by the Pope to convert the Irish; that he landed near Dublin in the year 432; and that he was compelled to fly to the north, and was only saved from being murdered by the King of Ulster through the agency of a miracle. He preached in an outhouse, called "Sabhul Phadring," or St. Patrick's Barn. The spread of Christianity in Ireland, and the extirpation of the Druids, are attributed to the miracles performed by this renowned saint.

At that period the city of Tara, so frequently celebrated in song, was the place where the princes of Ireland held their grand annual assemblies, and where the Druidical rites of lighting their sacred fires (*bal-tine*) were performed. But the light of the paschal fire of St. Patrick extinguished that of the Druids,

and the wife of the chief king or prince became a sudden convert to Christianity. The royal and other bards followed her example, and finally the kings of Munster and other princes, and all the inhabitants of Ireland, after witnessing countless miracles, embraced Christianity. Armagh became the episcopal see, and St. Patrick the primate of all Ireland. St. Bridget, who attended him at his death, and who had woven the shroud in which he was buried, is regarded as the founder of convents for females in that country. Such are the outlines of the origin of Christianity in Ireland by St. Patrick.

There are several collections of the lives of the Irish saints; but they consist of little else than romantic, improbable, and incredible legends; and although they probably indicate the manners of the people in the eleventh and twelfth centuries, they certainly do not those, as has been alleged, of the fifth and sixth centuries. Monasteries were early founded in the country, and the monks no doubt introduced the Roman alphabet and the Latin language. The Irish, however, had characters of their own, called "*Ogham*;" but they appear to have been only used for inscriptions, and not for writings, as all the Irish traditions and legends were transmitted by the bard of one generation to that of the one which succeeded him. Ireland appears to have been invaded by the Northmen, or Danes, about the same period that those rovers infested the coast of England. In the monkish legends, the plunder of their shrines, monasteries, and churches are far more lamented than the atrocious massacre of the inhabitants by the Danes. Finally,

one of the Danish, or Norwegian sea-kings, assumed the sovereignty of the whole island, and the groans of the bards detail the sufferings and degradation of the Irish people under the domination of that foreign monarch.* He was afterwards assassinated by some youths, dressed as females, and with daggers concealed under their garments.

It is recorded, that about the middle of the ninth century three brothers, Danes, or Eastmen, arrived on the island, and seized upon the three important positions of Dublin, Limerick, and Waterford, and that they were afterwards allowed to conduct trade in those ports. At that period, it appears, there were no towns of any importance in Ireland. The Danish brothers are said to have founded Dublin, Limerick, and Waterford,—that those towns prospered and were strongly fortified by the Danish merchant adventurers, and that they established the Danegeld, or nose-money, which they extorted from the Irish people.† It would appear, that in the early part of the tenth century the Danes and the Celts of the north of Ireland and Scotland intermarried with each other, and that they joined in an expedition which sailed round Scotland, and invaded the north-east of England in the reign of Athelstane. The Danes had established themselves at Cork and some other places before the end of the tenth century; and although their power was afterwards suppressed by the desperate battle of Clontarff, fought by the forces of Brian Boru in the

* The most probable account of this event is given by Giraldus Cambrensis.

† The punishment, in cases of refusal to pay the nose-money or *argiod sron*, was that of cutting off the nose.

year 1014, there is little doubt that the inhabitants of the east and northern parts of Ireland are the descendants of the Danes, who had intermarried with the ancient Irish Celts. Ireland, after the battle of Clontarff, continued to be, for a short period, occasionally invaded by the Danes, but the latter, having fixed places of settlement, were considered as upon much the same footing as small states, and, like the others, they generally mingled in the intestine feuds of the island.

Those desolating civil wars led to the defeat of Dermot, King of Leinster, who fled to England, and afterwards associated himself with Sir Richard Fitzgilbert, surnamed Strongbow, Earl of Stragnel. Strongbow encouraged several English knights to make a predatory expedition to Ireland in the year 1169; and having obtained a license from Henry II., he invaded that country in person in the year 1170, and the event, which is fallaciously called the Conquest of Ireland, followed. Henry II., who had taken no active part in the invasion, had long before looked forward to the conquest of that country, and obtained a power over it from Nicholas Brakespeare, an Englishman, who was elected Pope in 1154. As a former Pope had given England to William the Conqueror, so Adrian IV. granted Ireland to Henry II. by a bull, and sent him a ring as a sign of investing him with the sovereignty of that country. But Henry had been so actively engaged in other matters, that he allowed the bull and the ring to remain among the royal archives until after the invasion of Ireland by Strongbow. Alexander III. confirmed the bull of Adrian,

and Henry sailed from Milford Haven, accompanied by Strongbow and several barons, in a fleet of 240 ships, carrying 400 knights and 4000 troops. On the following day he landed near Waterford, where he was proclaimed Sovereign of Ireland, on the festival of St. Luke, 1171. He arrived at Dublin about Martinmas, which city is described as then rivalling London in its commerce; but so insignificant were its edifices, that it became necessary to build a residence for the king of timber and *platted twigs*. At that time there were four archbishops in Ireland, who had received their appointments direct from Rome in 1152. Their metropolitan sees were *Armachd*, now Armagh, Dublin, Cashel, and Tuam. They had twenty-nine suffragan bishops; and it is said that all came forward and did fealty to Henry, that each confirmed the king in his right of sovereignty by a written charter, under their respective seals, and that those charters were transmitted by the king to Rome. Henry called a synod of the Irish prelates, to meet at Cashel, early in 1172. The primate of Ireland, Gelasius, who was absent, excused himself; but Giraldus Cambrensis says that he concurred in the acts of the synod, in which Christian, Bishop of Lismore, presided as the Pope's legate.

The decrees of this synod of Cashel enjoined—
I. That marriage should be restricted within the canonical regulations;* II. That infants should be

* If we can rely upon the old English chroniclers, the Irish had not only previously contracted marriages within the prohibited degrees of consanguinity, but they were allowed to have as many wives as they could maintain.

baptised at the font within the church, and that children should be catechised at the doors of the church; III. It was declared there should be a regular payment of tithes to the church; IV. That there should be exempted from taxes or exactions all ecclesiastical lands, and property, and that the Irish chiefs, or powerful men, should not extort victuals or hospitality, by force or otherwise, within the ecclesiastical districts; V. That the clergy were to be exempted from any share of the payment of *eric*, or "blood fine,"* at that time required by the Irish law to be paid by the family or relations of any one convicted of murder, to the family or relations of the person killed; the VIth decree related to the division of property; and the VIIth enacted the adoption of the service and religious ceremonies of the Church of England, and other Catholic countries, to be observed in Ireland. Henry held two royal courts—one at Lismore, and the other at Waterford. In the first, he declared that all his English subjects in Ireland should observe in all their transactions the laws of England; and it is remarkable, that afterwards the benefit of the English laws was granted only as a matter of royal grace to some of the great Irish families and their dependents within the English pale. While the king held his court at Dublin during winter, Strongbow held one at Kildare. The King of Connaught, living in a country at that time difficult of access, although he finally acknowledged vassalage to the King of England, retained his kingdom, and dis-

* Giraldus Cambrensis, "Hibern. Expug.," lib. i., cc. 33 and 34.

dained to pass out of its boundary to give in his allegiance, which was afterwards delivered to two of the king's lieutenants, Hugh De Lacy, and William Fitzaldem. Henry gave the province of Leinster to Earl Strongbow, in fief to the English Crown; and the kingdom of Meath he conferred on Hugh De Lacy. The kings or chiefs of Ulster refused fealty to the King of England, who, however, granted that kingdom, of which he was not possessed, to one of his barons, John De Courcy.

It is remarkable, that Henry was unable for more than two months to receive intelligence of what was going forward in England; such was the difficulty of communication between the two islands during the storms of winter. Before he left, he granted Dublin, which had been nearly deserted by its Danish inhabitants, to the citizens of Bristol, who were authorised to dwell there as if it were their own, and to exercise all the privileges which they enjoyed in England. He also gave Waterford, and the laws and customs of England, to its Danish citizens. But the military custody of Dublin he entrusted to Hugh De Lacy and other English barons.* Having on the 1st of March received alarming intelligence from England and Normandy consequent upon the murder of Thomas à Becket, after making several grants of estates to such of his followers as agreed to remain in Ireland, and after directing the construction of several castles, he sailed from Wexford, and arrived on the evening of the same day at Milford Haven.

* *Vide* Lelland's "Hist. Ireland," vol. i., p. 81.

Before leaving Ireland, Strongbow was appointed Lord Marshal; and Hugh De Lacy, in order to counterbalance the power of Strongbow, was appointed to the high office of Justiciary and Lord Constable of Ireland. Theobald Walter, who was the relation of Thomas à Becket, was appointed king's butler. This person was the ancestor of the Earls of Ormond. Other officers of state were also appointed.

Soon after the departure of Henry, feuds broke out among the English barons, petty warfares disordered the kingdom, and the Irish princes renewed their intestine quarrels. Limerick was afterwards taken by Raymond. Roderick O'Connor, King of Connaught, stood so far prominent, that he negotiated directly with the court of Henry II. at Windsor, where three Irish prelates in his name, and in the presence of the nobles of England, concluded a solemn treaty of concord between the King of England and the King of Connaught.* By this treaty the limits of that territory, which so frequently occurs in Irish history under the name of the "English pale," was defined as including Dublin, with its dependent lands; Meath, with its dependencies; the whole of Leinster and Waterford, with their dependencies, to Dungarvan, which, with its appurtenances, was also included. This treaty also acknowledges the kings of England for all future time as lords paramount of Ireland, with the fee of the soil, and stipulates that all future kings of Ireland shall be vassals, or tenants *in capite*, of the English monarch. As such, Henry, as the first act of his supremacy, appointed Augustine, an Irish-

* *Vide* Benedict of Peterbro's "Life of Henry II.," vol i., p. 123.

man, to the then vacant bishopric of Waterford, and he sent him, along with Laurence, Archbishop of Dublin, back to Ireland, to be consecrated by the metropolitan Archbishop of Cashel.

Of the manners and habits of the Irish at that period we have but little satisfactory information. The English chroniclers describe the Irish as "indolent and unskilful in agriculture and the mechanical arts," and that "they lived with their herds of cattle like beasts, in the society of their beasts;" that "the riches which they most esteemed was freedom from all control, living undisturbed in their native barbarism;" that "their garments were generally woollen cloth, made solely of the wool of their black sheep." A cloak or hood of this coarse cloth was thrown over their shoulders or back, covering them down to the elbows, to which were often sewed pieces of other cloth, diversely coloured. Under this hood they wore a coarse woollen frock, with breeches or hose joined together. They rode on horseback without saddles or spurs, with a rude bridle and a hooked stick, which served them to guide their horses, and often for offence as well as defence. The Irish women rode in like manner astride on horseback. In battle their bodies were uncovered, and their arms consisted of a long lance, a couple of javelins, and a formidable axe.

The latter weapon, which they used with great dexterity and effect, was introduced by the Danes or Northmen. Even at their social meetings the Irish carried this terrible battle-axe, and much of the sanguinary spirit of passion and revenge which then prevailed was attributed to the constant possession of

this weapon. It is very probable that Giraldus describes the character of the Irish with partiality and injustice where he says that "one of the most remarkable traits in their character was a changeable temper; and that when their professions of good faith were warmest, and their behaviour least suspicious, they were neither bound by promise or oath." But the barbarous ebullitions of passion, revenge, feudal animosity, and hereditary warfare, of which the Irish are accused, resembled the uncivilised manners and practices which had long prevailed among the Scottish clans. In the year 1210, King John visited Ireland with the design to reduce to his obedience some of the refractory barons. He made a division of the English pale into twelve counties; viz., Dublin, Kildare, Meath, Orgial (now Louth), Carlow, Kilkenny, Wexford, Waterford, Cork, Kerry, Limerick, and Tipperary. Before the end of the thirteenth century there were sheriffs of Connaught and Rosmore. During the whole of the thirteenth century Ireland, especially beyond the English pale, and particularly Munster, was devastated by feudal warfare, carried on under John Ogan, who ultimately called together a parliament. Several statutes for regulating the affairs of the counties within the pale were then passed, and the kingdom enjoyed for some time after comparative tranquillity. In the beginning of the fourteenth century Ireland was invaded by Edward Bruce, with a savage ferocity, like that which distinguished the Scottish forays over the English borders. The English of Ulster were slaughtered by him without mercy, their castles demolished, and their towns plundered and burnt. Dundalk, then a flourishing

place, was sacked and destroyed; and the church of Ardee, which was filled with women and children who fled there for an asylum, was set fire to, and all within perished in the flames. He caused the chiefs of Ulster to proclaim him King of Ireland, with the same barbarous ceremony as was formerly practised at the installation of the native sovereigns. He overran the counties of Down, Armagh, and Louth—entered Meath with his principal associate, O'Neil of Tyrone, and retreated back to Ulster, where, near Coleraine, he defeated the Red Earl of that province. Bruce was defeated in the following year by the English, near Dundalk, and his head was cut off and sent by the English general, John de Bermingham, to Edward. The death of Bruce was hailed with joy by the Irish people, and by the English settlers in Ireland, who exulted in the death of a savage who had spread death, famine, and massacres over the country.*

The O'Neils were the powerful allies of Bruce; and the chief O'Neil afterwards recovered his power, and entered into those bloody feuds which followed the Scottish invasion. The horrors of this period were increased by superstition; and the Bishop of Ossory, in 1318, obtained from the Pope an order, enabling him to persecute persons for sorcery and heresy. A lady, Alice Kytler,† with many others who were ac-

* It is recorded by Irish chroniclers that "there was not a better deed ordered for the good of the kingdom since the creation of the world than the killing of Edward Bruce, for the real scarcity of victuals, breaches of promises, ill performances of covenants, and the loss of men and women throughout the whole kingdom, in the space of three years and a half which he had held sway, were never so great, insomuch that men did commonly eat one another for want of sustenance during his time."

† See Note, Appendix.

cused as her accomplices, were among those whom he persecuted; and the absurdities and wickedness which followed prove an extraordinary state of barbarism, credulity, and superstition as prevailing, not only among the ecclesiastics, but among all classes of the people.

The conduct of the English in Ireland during the whole of the fourteenth century is marked throughout with injustice. The Irish were denied most of the privileges enjoyed by the English, and they were most unmercifully treated in the law tribunals. Many of the assumptions of the English, as recorded in authentic works, are frequently disgusting, and often atrocious. It was this injustice which induced the Irish of Ulster to invite Bruce and choose him, whom they deemed as of the same race, to be King of Ireland; for the Irish chiefs declared at that time, in a remonstrance which probably expressed their real sentiments, that "the English and Irish races were separated by blood, by language, and by habits, and that they never could live in harmony together." The hatred between the two races, which began in this century, has assuredly constituted the great evil which has retarded the prosperity of that magnificent and fertile isle; and the annals of this period contain little less than accounts of assassinations, murders, and conflicts. Even within the English pale the degradation and the barbarities which prevailed, prove either the degeneracy or the natural wickedness of the English barons; and in order to punish them, Sir John Morris, the new lord justice, appointed by Edward III., proceeded against the "Old English," as the great landed proprietors were then called, by

a general resumption of the seigniories, jurisdiction, and liberties, granted by him or his father; and many of those who held offices in the Irish administration were dismissed.

This measure proscribed at once the descendants of those who had originally conquered those estates. But the old barons ultimately resisted this measure of confiscation, and united in a common defence of their lands. The king was eventually frustrated, and faction continued to distract the country.

During the fifteenth century, the history of Ireland exhibits an almost uninterrupted course of turbulence. Revolts were common, and the Irish plundered and burnt towns, cut much corn, and took many prisoners from the English, while the latter oppressed the former in their turn. The severity of Talbot, Earl of Shrewsbury, as lord-lieutenant, is deprecated by the Irish annalists, who execrate him as "a son of curses for his venom, and a devil for his wickedness;" adding, that "no one came from the time of Herod, by whom Christ was crucified, who was so wicked for his evil deeds." It is remarkable, that for the short period during which Richard, Duke of York, afterwards Richard III., administered the affairs of Ireland, he maintained a fixed determination to remedy many disorders which prevailed in the government of the country. He called a parliament at Dublin, and passed several laws for restraining the idle and disorderly followers whom the Irish barons constantly retained. He abolished arbitrary exactions, and adjudged that all violation of property should be

punished as felony. He held another parliament at Drogheda, where various laws for the reformation of the administration were passed; and during his residence, he certainly not only maintained order in the kingdom, but he was, probably, the best lord-lieutenant who had been sent to that country before the days of Queen Elizabeth. In the year after his departure the former disorders and sanguinary feuds were renewed.

On the accession of Henry VII. new troubles broke forth, by an attempt to bring forward Perkin Warbeck, under the titles of Edward VI., King of England and France, and Lord of Ireland. Before the close of the century, in the year 1494, Henry informed the King of France that he had "determined to set his country of Ireland in order." In accordance with this resolution, Sir Edward Poynings was appointed lord deputy of Ireland, to which country he proceeded, accompanied by several English lawyers and an army of 1000 English soldiers. He immediately began to act with vigour in reforming the abuses which prevailed, and with the determination to crush the unjust assumptions of the Anglo-Irish barons. He summoned a parliament to meet him at Drogheda in December, 1495, the acts of which have been ever since memorable in the administration of Ireland. It was assembled in order to adopt strong measures for diminishing the influence of the English lords, and relieving the people from oppression; for preventing the further degeneracy of the English; reforming the manners of the "pale;" and for revising former laws and regulating the future conduct of parliament. By one law, known

at Poynings' act, the influence of the great barons, who corruptly managed the Irish parliaments, was greatly reduced; for it was provided that in future no parliament should be held in Ireland until the king's lieutenant and council had first made known to the king the causes and necessities for which such assembly was to be called, as well as such acts as it was intended to be proceeded in; and, until these considerations and acts were approved under the Great Seal of England, they should not be introduced into the Irish parliament, whose acts otherwise were to be pronounced null and void. The use of the Irish language was prohibited within the English pale, where afterwards it was generally spoken, and various securities were required for the maintenance of the public peace. Poynings, however, had scarcely returned to England, when nearly all Ireland seemed by its feuds involved in irretrievable anarchy.

The beginning of the sixteenth century was characterised by a general intestine war; until the battle of Loch Tuam, fought by the Earl of Kildare and won with great slaughter, kept for some time in awe the most turbulent of the Irish chieftains. The rebels of Connaught and Munster were also compelled to submit. But the laws which were passed in the latter years of the reign of Henry VIII. for repressing the powers of the Irish lords were not applied in a spirit of conciliation, but with a violence and asperity little calculated to ensure the loyalty of the Irish people.

History can hardly afford an example of any country in a more barbarous condition than Ireland

on the accession of Queen Elizabeth to the throne of England. In religion all the Irish professed the Roman Catholic faith; but the people were infected with all the savage habits and superstitions of their Pagan ancestors, and the authority of the Church was at the same time used for the most unjust purposes, — often with no other object than private revenge, and the plunder of property. The revenue of Ireland did not exceed 60,000*l*. Elizabeth, in no gracious spirit, remitted 20,000*l*. more from England; and the maximum army maintained in the country did not exceed 2000 men. These, instead of being provided with food by the government, were quartered upon the inhabitants. So small a force was never able to suppress those frequent insurrections which almost yearly prevailed in that distracted country. Instead of one sovereign, the head of each family considered himself scarcely less than an independent prince; and the feuds among themselves prevented nearly all industry and trade. At the same time, the population of the island was estimated to be less in proportion to its area and resources than that of any other country in Europe.

Shan O'Neale, the head of the clan of that name, rebelled first in 1560, and seven years afterwards he was condemned as an outlaw, and was murdered by some Scottish islanders, in revenge of some former injury. This man appears to have been a perfect savage, who detested all civilisation; and he is even accused of putting some of his tribe to death for eating bread, as an English innovation. When maddened by drunkenness, his custom was

to wallow in the mire, in order to cool his temperament. This man, upon whom Elizabeth conferred the title of Earl of Tyrone, scorned to acknowledge that dignity; and, instead, he assumed the title of King of Ulster. Elizabeth sent a man of great wisdom and activity, Sir Henry Sydney, to Ireland as her lieutenant. He maintained his authority for eleven years against the disturbances raised by the Earl of Desmond and others; and his successor, Lord Grey, suppressed a fresh rebellion, caused in 1579 by Desmond, who was aided by a number of Spaniards and Italians. Other insurrections and rebellions followed. Elizabeth endeavoured to introduce education into Ireland, and she founded for that purpose a college in Dublin. Her lieutenant, Sir John Perrot, in 1585, having imprudently armed the Irish of Ulster, in order to repress the inroads of the Scottish islanders, who had frequently plundered the coast,—those men, who had been ignorant of fire-arms, were afterwards disciplined by some Irish officers who had served under Philip in the Netherlands, and they soon became formidable.

The next rebellion was raised by Tyrone's nephew, Shan O'Neale, who succeeded to that title by murdering his cousin. This chieftain was also a perfidious and cruel savage; but, withal, crafty and bold. Having prepared the Macguires, M'Mahons, O'Donells, and O'Rourkes, for a rebellion, he procured arms and ammunition from Spain; and he soon afterwards knighted most of the Irish captains under his command. The queen's forces were driven from the fort of Blackwater, and in their flight about 1500 were killed, and their arms and ammunition were seized by the rebels. Tyrone was proclaimed as a

patron of Irish liberty, and the deliverer of Ireland. Elizabeth imprudently sent over the young Earl of Essex to suppress this rebellion, investing him with much greater authority than had been given to any previous governor of Ireland. He was accompanied by numbers of the nobility and gentry, who were much attached to him. But he committed several generous errors as a governor, and some fatal blunders as a general. On one occasion, when his troops were compelled to fly, he in a passion cashiered the officers and decimated the privates. He was successful in a few skirmishes. When proposals for a peace were made with Tyrone, the conditions of the latter were so exorbitant and unreasonable as to render them inadmissible; and Essex returned to England without having obtained the queen's leave, upon which he was disgraced. A treaty which had been entered into with Tyrone was soon broken. He was joined by the O'Donells and many other chieftains, and in a short time he overran and plundered nearly the whole island. He assumed the championship of the Catholic religion, and either did, or pretended, that he had received that authority from Pope Clement VIII., and gave out that he expected an abundant supply of men, arms, and money, from Spain.

Lord Mountjoy was sent to Ireland as deputy. He immediately advanced into Ulster, fortified Derry and Mount Norris, drove Tyrone and his rebels into the woods and morasses, and in a short time established the queen's authority over a great part of the island. But the country, however, became far more difficult to govern than at any former period, inasmuch as it was found impossible to disarm the Irish;

and the maintenance of a large force to keep up authority exhausted the queen's treasure. Elizabeth was in consequence, although she had restored the coinage of England, induced to coin a large amount of base money to pay her forces in Ireland. Her deputy and general, Mountjoy, was a man of great abilities, and in order to prevent a mutiny, which was apprehended on the payment of the soldiers with this debased money, led them at once into action, and kept them constantly employed harassing Tyrone and the people of Ulster, driving the Macguires out of *Leacal*, building fortresses at Mogarry, and opening some military roads. He destroyed almost everywhere the cattle, and what little grain, chiefly oats, which was grown by the Irish, and drove them into woods and morasses, where great numbers perished by famine. His lieutenant-general, Sir Harry Docwray, drove the rebels out of the castle of Derry, threw his troops into a monastery at Donegal, and garrisoned Einogh and Newton. Another general, Sir George Carew, captured Desmond and Florence M'Carty in Munster, and sent them for trial to England. With a reinforcement of 2000 men he attacked and occupied Cork.

Four thousand Spaniards landed soon after at Kinsale, commanded by D'Aguilar, as general in the "holy war for the preservation of the faith in Ireland." The country at this period seemed ready for a general insurrection. A reinforcement of 2000 Spaniards under O'Kempe landed and occupied Baltimore and Beerhaven. The Spaniards were joined by Tyrone, M'Surlay, Randal, Tyrel, and other chieftains. A battle ensued, in which O'Kempe was

taken prisoner, and about 1200 were killed. Tyrone was driven into Ulster, and D'Aguilar surrendered Kinsale and Baltimore, upon which he was allowed to leave the kingdom.

Mountjoy and his lieutenants, having suppressed this dangerous rebellion, succeeded in establishing the queen's authority in most parts of the kingdom. But feuds still continued among the Irish chieftains, and on the death of Queen Elizabeth the kingdom was in a state of great poverty, without arts, manufactures, science, or civilisation. The exceptions were confined to some places within the English pale, where the lands were cultivated, and where there were a few rude manufactures. There was, however, no domination of the Protestant Church exercised at that time over the Irish people. The institution of a State Church was attempted, but it did not then give rise to any of the disorders and the rancour which prevailed; although many of the evils which arose in the succeeding two centuries and a half may be attributed to the establishment of that Church, as well as many of the difficulties which have perplexed all the administrations of Ireland down to the present century.

IX.—THE ANGLO-IRISH CHURCH ESTABLISHED.

Henry VIII., when he had resolved to abolish the supremacy of the Pope over the Church in England, determined that he should also destroy the Pope's authority in Ireland. But he was obstinately thwarted by Cromer, Archbishop of Armagh, whose influence over the ecclesiastics was great, and who all dreaded the domination of Henry over the Church. But in 1534,

the archbishopric of Dublin having become vacant, Henry appointed to that see George Brown, a provincial of the Augustines in England, and who had preached that prayers should be addressed, not to the Virgin and the saints, but direct to Jesus Christ. He was consecrated by Cranmer, Fisher, and Shakeston, and he received a pall, &c., from the proper authorities in England. Commissioners were appointed to aid him in abolishing the acknowledgment of the authority of the Pope in Ireland. But in consequence of the opposition of the Irish ecclesiastics and some of the barons of English descent, the resistance became formidable; and in 1537 the Lord-Deputy Grey assembled a parliament in Dublin, who passed an act declaring that the "English order, habit, and language, should be encouraged, and that spiritual promotion would only be extended to ecclesiastics who could speak English, unless after four proclamations in the nearest market-town none could be found who could speak that language." Parochial English schools were ordered to be established, and the pastor of each parish was required on oath to endeavour "to learn and teach the English language to all and every being under his rule, and to *bid* the beades in the English tongue, and preach the word of God, if he can preach, 'in that language.'" Soon after, many of the chieftains acknowledged Henry VIII. as King of Ireland and supreme head of the Church. When the Irish chiefs, including the English, acknowledged Henry as King of Ireland and supreme head of the Church, the registration or deed stated "that it was indentured" (the 26th of September, 34 Henry VIII.) "between the Irish chiefs and Henry VIII.," that

they "will accept and hold the said king and his successors as supreme head on earth, immediately under Christ, of the Church of England and Ireland." In an official despatch, written in 1538, from Dublin, it was stated that "at Clonmel were now assembled two archbishops and eight bishops, in whose presence my lord of Dublin preached, in advancing the king's supremacy and the extinguishment of the Bishop of Rome, and, his sermon finished, all the said bishops, in all the open audience, took the oath contained in the act of parliament, both touching the king's succession and supremacy, before me the king's chancellor; and divers others there present did the like." *

It does not appear, however, that the liturgy of the Roman Catholic Church was then changed. But in the reign of Queen Elizabeth, in a parliament held at Dublin by the Lord-Deputy Sussex, in January, 1560, there were present nineteen prelates, all of whom, except two (Meath and Kildare), renounced the jurisdiction of the Pope. We are, however, informed by Phelan, in his "Policy of the Church of Rome," that "for eleven years the queen's policy was unmolested by the Papal government, and received without opposition by the great body of the Roman Catholics;" and that "the laity everywhere frequented the churches, multitudes of persons adopted the prescribed rules, the priests continued to officiate in their former cures, and the majority of the prelates, leading or following the popular opinion, retained

* The archbishops and bishops who were assembled at Clonmel were Dublin, Cashel, Tuam, Waterford, Kildare, Fermoy, Immolacien, and Lymick (or Limerick).

their sees and exercised their functions according to the reformed ritual." Edward VI. appointed to five sees which became vacant prelates who were favourable to the Reformation; and he ordered, in 1551, the Lord-Deputy St. Leger to introduce the English liturgy into the Irish churches. For that purpose the lord deputy assembled the Irish archbishops and bishops. The primate strongly objected to the introduction of the Church service in the English language, for then, said he, "shall every illiterate fellow read mass." The Archbishop of Dublin, the Bishops of Meath, Kildare, Leaghlin, and Limerick, gave in their adherence; the primate and other bishops refused. In April following the Lord-Deputy Crofts was instructed "to propagate the worship of God in the English tongue, and the service to be translated into Irish in those places which need it."*

Elizabeth, soon after ascending the throne, directed the restoration of the Church service in England; and in 1559 an act was passed by the Irish parliament, entitled "An Acte for the unyformytye of the Common Prayer and service in the Churche and admynys- tration of sacraments in the Churche;" and other acts were passed for establishing the queen's supremacy and the propagation of the English language in Ireland. In 1570 an act was passed proclaiming the ignorance of the people for want of school discipline, and appointing a free school, with a master of English birth in every diocese. By another curious act, a patent, with certain curious reservations, was granted to the "*Irishry or. degenerated Englishry*" who held

* The first book published in Ireland was in the reign of Edward VI., 1551; and it was the book of Common Prayer in English.

by Irish custom and not by tenure. It does not appear, during the reign of Queen Elizabeth, that any one was imprisoned, banished, or executed on account of his religion. The two bishops who refused to acknowledge her supremacy were, however, deprived of their sees. But it was not until after the death of Queen Elizabeth that a distinct Romish Church was instituted by the Pope for Ireland, and which, with a dominant Protestant Episcopal Church, have together constituted ever since, in a prominent degree, the causes of the dissensions that have prevailed, and a bane to the prosperity of that country.

X.—IRISH INDUSTRY AND TRADE.

Agriculture, manufactures, and commerce, have never prospered in a country which has been perpetually disordered by intestine anarchy. In Ireland, the means of subsistence consisted chiefly of animal food and fish; the clothing of coarse undyed woollens and skins; and the exports of the country consisted of some wool and skins. For a long period there were scarcely any restrictions upon the exports or imports of that country. By a statute of Edward I., in 1290, leave was given for all kinds of merchandise to be exported, except to the king's enemies; and in 1360, by an act of Edward III., leave was given for all kinds of merchandise to be exported from, and imported into, Ireland, as well by aliens as by denizens. By another act, all persons who had lands and possessions in Ireland "might freely import thither, and also export from that kingdom their own commodities,"—"a liberty," says Anderson, in 1760, "which would in our day be deemed unsafe and dangerous."

Sir James Weir, in his "Historical Relations," contends that Ireland was never entirely conquered until the beginning of the reign of King James I.; and he adds, "that in the fourteenth century the old English colonists became so degenerate, that they fell back into Irish barbarism; and that no history of commerce could be expected from a country so abandoned and neglected." But, as no country can be inhabited without producing either food or commodities of some kind to interchange, Ireland must have at all times yielded the means of subsistence for its people. Pasturage, grain of some kind, probably none other than oats, and the different kinds of fish which abounded on its coasts and in its rivers and lakes, constituted, in all likelihood, with a few imported articles, the means from which the inhabitants derived their subsistence. The Danes, who had formed colonies in Ireland, carried on from their first settlement some commerce by sea; and in 1344 we find that the Irish ports, to which they traded, supplied Edward III. with numbers of armed vessels for transporting the great lords with their troops to Scotland, and also, for his French wars, to Portsmouth. In a doggerel poem published by Hakluyt, it would appear that Ireland's commodities, near the middle of the fifteenth century, were wool, a kind of linen cloth, a coarse woollen cloth called frieze, hides, salmon, herrings, and hake. Until the year 1494, the acts of its parliament were written in French. In 1560, Guicciardini, in his account of the commerce of Antwerp, observes: "Antwerp sends to Scotland but little, as that country is chiefly supplied from England and France. Antwerp sends thither some

spicery, sugar, madder, wrought silks, cambrics, serges, and mercery; and Scotland sends to Antwerp vast quantities of peltry of many kinds, leather, wool, indifferent cloth, and fine large pearls, though not quite of so good water as the Oriental ones. To Ireland Antwerp sends much the same commodities and quantities as to Scotland; and Antwerp takes from Ireland skins, and leather of divers sorts, and low-priced cloths, and other gross things of little value."

From this period, until the suppression of Tyrone's rebellion, in the last year of Queen Elizabeth, we have no account whatever that can be relied on respecting the trade and navigation of Ireland; nor until the reign of James I., in the beginning of which, Sir James Weir observes, "the benefit and protection of the laws of England were extended to all, as well Irish as English; the kingdom was divided into counties and regular judicial circuits, whereby the Irish were reclaimed from their wildness, and made to cut off their glibs and long hair, to convert their mantles into cloaks, and to conform themselves to the manners of England, in their behaviour and outward forms." At the same time the boundaries of estates were surveyed and marked, and the people were encouraged to build and plant, and to improve the cultivation of their lands. The value of the products exported doubled in a few years the revenue of the Crown; and increased protection was given to the maritime towns and cities, in order to promote trade and commerce, as well as the mechanical arts and sciences. Markets and fairs were ordered in each county; towns were incorporated; and Sir James Weir asserts that, "until the beginning of the reign of King

James I., Ireland was never entirely subdued, and brought under obedience to the crown of England." Sir J. Davies, in his instructive work, complains that in Ireland, for 350 years, the benefit of the protection of the English laws was not allowed to the native Irish, as if it were intended to maintain a perpetual separation and enmity between the English and Irish, "so that a common war was kept up between them till this happy time that a complete conquest was now made of that entire island."

In the year 1609, James I. proposed to the city of London the formation of an English colony in the province of Ulster, which had become nearly depopulated. The proposal was accepted by the city, and 20,000*l.* was advanced for establishing a new settlement in Ulster, from which "the late rebellious old Irish inhabitants were all transplanted into the province of Connaught, which to this day their posterity inhabits." About 300 colonists of various handicrafts and occupations were settled, in the year 1612, at Derry (which was named Londonderry) and at Coleraine; 200 houses were built in the former, and 100 in the latter. Coleraine was incorporated, and Derry erected into a bishopric. A committee, with a chairman, was selected out of the court of aldermen for the management of the lands and fisheries of that part of Ireland; and in the following year an alderman and a commoner, with surveyors, were sent over to Ulster, in order to make arrangements for cultivating the lands and establishing fisheries. Those estates still belong to the corporation of London, and they certainly laid the foundation of that prosperity for which the north of Ireland is to the present time distinguished.

CHAPTER XI.

SKETCH OF THE CONDITION OF SCOTLAND AT THE DEATH OF
QUEEN ELIZABETH.

THE early history of Scotland must be considered as fabulous as that of Ireland; nor until nations attained a prominent degree of civilisation—until their chief occupation ceased to be that of intestine war and foreign aggression—is it desirable that their acts and deeds should be remembered. But there are grave and learned historians who have unscrupulously written historical narratives of the reigns of sixty-eight kings of Scotland, who, in all probability, never lived, excepting as mere names transmitted in the legends of the bards.* The ancient inhabitants of Scotland were divided into Picts and Scots, and these again were divided into numerous sections or clans. In the eastern and northern parts, and in some of the islands, the Northmen, or Danes and Norwegians, had at various times invaded and plundered the coasts, and many of them, it is evident, settled among the inhabitants. About the middle of the ninth century, one of the Scottish kings, Kenneth II., is said to have conquered the Picts and subjected all Scotland to his

* This may apply to the greater portion of the "History of Scotland" written by George Buchanan, by Hector Bœtius, and John Major.

authority. But ignorance and anarchy appears to have prevailed in the country; and about the end of the thirteenth century Edward I. of England not only subdued the whole country, excepting the Highlands of Scotland, but destroyed all the manuscripts and other records which were found in the monasteries and churches, and in the other institutions which existed in the kingdom, save a few imperfect chronicles, which were afterwards reduced to a historical form by John de Fordun. When Robert Bruce ascended the throne of Scotland the government was altogether feudal; that is to say, the king was declared to be the owner of all the lands of the kingdom; all the occupants of the soil held their tenures from him alone; he was the source of all titles of honour and distinction; all the barons did fealty to him as their sovereign and liege lord on their bended knees. But notwithstanding those formalities, the king was scarcely anything more than the chief of the barons, and the feudal system was little more than an aristocratical republic. The principal power of the king consisted in his being commander-in-chief of the forces collected by the barons for warlike enterprises.

Like all other feudal kings, he had no standing army; and with the exception of what he derived from his private property, he had little revenue of his own; so that he could at no time suppress the turbulence of the nobles, except by exciting and maintaining their mutual jealousies and hatreds. In Scotland, not only were the nobles hereditary, and independent of the king with regard to their creation, but many offices of the state were also hereditary, and frequently held by the declared enemies of the Crown.

The lord justice general, great chamberlain, high constable, earl marshal, high steward, high admiral, (and in several of the counties) the office of sheriff, were all hereditary. It is also remarkable, that in a country so poor as Scotland, the barons were able to support formidable bands of idle, but courageous retainers. Each in his own great hall considered himself an independent prince; and they never appeared at court without an army of armed followers. The sixth Earl of Douglas was, on such occasions, accompanied by 2000 men on horseback, and the retainers of many other barons were nearly as formidable.

The configuration of Scotland, its mountains, inlets, lakes, rivers, and bogs, constituted the boundaries and fastnesses which usually determined the jurisdiction, power, and defences of the Scottish barons; and their rude, but strong castles, were generally constructed in places difficult of access. Until a late period the cities of Scotland were insignificant, either in riches or trade, or in the number of their inhabitants. There was no police existing in the country, and the protection of each man depended upon the union and power of his clan under its respective chieftain. Each clan formed an independent society, and the whole population subsisted chiefly on the flesh of their cattle, on fish, and on small quantities of coarse oatcakes; for until after the union of the two crowns of England and Scotland, no country in Europe, unless it were Ireland, was worse cultivated than Scotland. Although the chieftain had absolute authority over the lives and property of his vassals, yet there existed a system of patriarchal government which secured an affectionate regard and devotion for the chief from all, down to

the lowest individual of the clan. The whole clan bore the same surname, which accounts for the frequency of one and the same name among the people of Scotland.

All the vassals of the same baron considered themselves as united to him by ties of consanguinity, when in reality they were seldom allied to him further than that they bore his name. The numbers of the Scottish nobility were few in proportion to those of other countries, and they were originally thanes, or equals of their king. The earls or barons who succeeded them acquired large territories; and at no time did there prevail in Scotland those small inclosures into which the land of England was divided before the Norman Conquest, and which are still marked out by the original ditches or hedges.

Scotland has always been famous for its confederacies. The barons bound themselves together by leagues of mutual defence, and they also entered into compacts with their inferiors or vassals, called "bonds of man-rent." By the first they engaged to defend each other against all other persons; and by the latter they promised protection, and their vassals personal service and fidelity. Those leagues became afterwards offensive and defensive combinations against the authority of the Crown. The border warfare and plundering excursions over the neighbouring parts of England were generally conducted by those Scottish border barons on whom it was usual to bestow the wardenships of the marches—offices then considered of great dignity and authority. It was as wardens of the marches that the Douglasses acquired so prominent and dangerous an ascendancy, and their vas-

sals, being seldom engaged in pursuits of industry, were nearly at all times under arms.

The fatality which attended the six Scottish kings who reigned before the accession of James VI., left Scotland in a state of anarchy during various regencies. Of ten kings who ascended the throne of Scotland after Robert Bruce, seven were minors, nearly in their infancy; and the haughty barons despised the authority of a regent who was chosen from one of their own number. The office of regent was sometimes divided between two or more persons, and it was in that case considered dangerous to invest it in the persons of any of the higher barons.

Of six princes of the Stuart family, beginning with Robert III., all died by violence. While the regency during the minority of James II. was entrusted to two barons, Lord Douglas assumed an independency within his own lands; forbade his vassals to acknowledge any other authority; appointed a privy council; conferred knighthood; appointed several military officers; and, without the title of king, assumed all the insignia of royalty. But in 1460, in order to limit the powers of the regency, eight persons were entrusted with the administration of the kingdom. One of these, however, Lord Boyd, seized both the person of the young king and the whole authority of the government. This assumption occasioned the ruin of his family; upon which the Hamiltons rose to the highest rank in the realm.

The Duke of Albany, a native of, and the creature of, France, became regent on the accession of the infant James V.; but his measures were baffled by Lord Home, an eminent baron, and one of the few who had

escaped at the fatal battle of Flodden. The queen-mother, sister of Henry VIII., acted in concert with Home, and finally drove Albany from the regency, to live in retirement in France. But Douglas, the powerful Earl of Angus, seized upon the person of the young king and usurped the government, although he did not assume the title of regent; and his authority in the name of the king became nearly absolute.

Long after the feudal system had declined in Europe, in consequence of the kings instituting standing armies, that power was maintained with proud authority by the barons; and it was long after the inhabitants of cities and the commons had acquired great influence in England, before the citizens of Scotland attained any share of power or even consideration. Among other means attempted by the kings of Scotland to circumscribe the power of the barons was that, as we have observed, of exciting the deadly feuds which among several baronial families had become hereditary, and by the extension afterwards of the jurisdiction of the royal tribunals; but as in no country was it more easy to foment the former, so in no country was it more difficult to extend the latter.

Among the hereditary maxims of honour which were proudly observed during the feudal ages by the great families or clans, it was an established and stern principle, that to forgive an injury or insult was mean and cowardly, and that revenge was justifiable and indispensable to uphold the honour and dignity not only of the chief, but of the whole clan.

The same wild passions and ideas of honour prevail among all barbarous nations. Each savage tribe of the native hunters of the American forests,

the pastoral Arabs, the equestrian Scythians, and the warlike Sikhs, have each alike, at all times, cherished the like unforgiving spirit, and have never failed to practise the ferocious gratification of revenge.

In no country did there abound more lasting enmities and more deadly feuds than in Scotland at all times previous to the accession of James VI. to the throne of England. Nor did they cease altogether until after the rebellion of 1715, and it may be said not until after 1745.

As lands were held either as *Regalities* or *Baronies*, so were the courts. The barons and the Lords of *Regalities*, the latter being all but *Royal*, had each their own judges and courts, where causes were to be tried in the first instance, and from which only could appeals be carried to the king's courts. The royal tribunals were, therefore, nearly altogether limited to the king's domains. If a cause from within the jurisdiction of a Lord of Regality was brought forward in the king's court, it was removed by the custom of *repledging* to the court of Regality. James I., in order to diminish the evils which arose from the authority of the barons' courts, selected from the estates of parliament persons whom, as "Lords of Session," he appointed to hold courts for determining civil cases at three terms during the year, each term to last forty days; and to hold its sitting in such place as it might please the king to appoint. This court, being a committee of parliament, its decisions were final in all cases which came formerly under the cognizance of the king's council. But those and other innovations led to the assassination of James I.

James II. caused a law to pass the Scottish par-

liament, which annexed all forfeited lands to the Crown, with the unalienable right of jurisdiction. His successor subjected the judges appointed by the barons to penalties for unjust decisions, and made other regulations for strengthening the administration of the Crown. A judicial tribunal, called the "Lords of Daily Council," was instituted by James IV., in order to obviate the delays which arose from the intervals in the sittings of the Court of Session. This Daily Council sat every day at Edinburgh, and was vested with the same powers as those exercised by the Lords of Session. A College of Justice, in which there presided senators, called Lords of Council and Session, was erected by James V. Its jurisdiction not only combined the powers of the Session and Daily Council, but several new powers. This remarkable court had its formalities, terms, rules, and authority established on fixed principles; and dignity and splendour were conferred upon its judges.

Those three jurisdictions and the old "Court of Justiciary" were presided over by men eminent for their knowledge of the civil or Roman law, as well as of the statute law of Scotland; and those institutions soon attained the respect and confidence of the people, as before them protection was expected by all who were oppressed by, and appealed from, the barons' courts. They became successful and popular from their superiority over the tribunals of the barons.*

* Notwithstanding the high authority given to the Scottish tribunals, the power which they possessed to carry the laws into execution, and even to try criminals, was so feeble, that they often required the attendance, under arms, of several barons with their armed vassals, to

It is observed by Dr. Robertson, that "almost every one of the kings of Scotland, from Robert Bruce to James V., had some particular system for depressing the authority of the nobles, who were objects of their jealousy and fear. This conduct of our monarchs, if we rest satisfied with the accounts of historians, must be considered as following the natural form of their resentment against particular noblemen, and all attempts to humble them must be viewed as sallies of ill-will and passion, and not the consequences of any plan of policy. But although it appears that those attempts were carried out differently, as the passions or genius of the men, the temper of the times, and the state of the nation necessarily occasioned great variety in their schemes; without being chargeable with excessive refinement, we may affirm that the end was uniformly the same; and that although the project of reducing the power of the aristocracy was sometimes followed and pursued with vigour, and sometimes concealed, or seemingly forgotten, it was never altogether abandoned."

With respect to the lands of the barons, the estates of most of the ancient lords were confiscated, and granted by Edward I. to his own subjects. When Robert Bruce, by his own valour and prudence, and by the aid of the Scottish nobles, ascended the Scottish throne, he expelled the English, and granted those estates to the barons, by whose power he was triumphant. But when he afterwards attempted to humble the power of some of the nobility, who held

bring a single criminal to trial and to execute justice.—*Keith's "Hist. Scot.,"* p. 198. *Jeddart* or *Jedburg* justice was not unfrequent. It consisted in summarily hanging the accused and trying him afterwards.

their lands on hereditary tenures, and assembled them for the purpose of showing their titles, they drew their swords, and unanimously declared, "By these we acquired our lands, and with these we will defend them." This attempt on the part of the king gave rise to a dangerous conspiracy against his life.

When James I. returned from his captivity in England, he found all Scotland in a state of anarchy; each barbarous chieftain at pleasure committing rapine and oppression on his weaker neighbours. This prince ruled with wisdom, and endeavoured to introduce many of the improvements which he had witnessed in England into the administration and industry of Scotland. But he committed an act which, with others, proved fatal to his power and his life. During his captivity in England he received a liberal education, and other refined accomplishments which no Scottish king had ever attained. He observed there, that although the English aristocracy were rich and powerful, they were neither independent of the Crown nor disloyal to the sovereign. The king's prerogative was great, but he did not rule as a despotic prince, unless it were in curbing any turbulent symptoms manifested by the barons. Generally, he observed that the laws were enforced, and the people advancing in civilisation, prosperity, and security.

On returning to his own dominions, he found that the royal domains had been alienated by the regents of the kingdom; that the royal authority which was entrusted to them was reduced by their profligacy to contempt; and that the name of king was scarcely known, and utterly disrespected. Anarchy, rapine,

and oppression disordered the whole country. Each savage chieftain ruled uncontrolled, revenged imaginary or real wrongs, robbed and put to death the weak, and, when inclined, hung his own vassals.

He assembled a parliament, introduced and passed judicious laws for tranquillising the kingdom, enforcing justice, and protecting the people. Being without domains or revenue, he considered it just and indispensable that the lands which had been corruptly alienated from the Crown should be restored; and he had a law introduced and passed in his first parliament,* by which he was authorised to order all those who had received grants of land during the three last reigns to produce their titles. By another act the confederacies of the barons were absolutely prohibited. Having been thus supported by his parliament, he considered that delay would be fatal with regard to his policy of reducing the turbulent barons to loyalty, justice, and dependence. He therefore, while the parliament was in session, arrested his own cousin, the Duke of Albany, and his sons,—the Earl of Angus, Douglas, Lennox, March, and Mar, and many other peers and barons. Albany and his sons, and Lennox, were summarily tried and executed. Their crime is not recorded. The others were not prosecuted. The estates of Albany, Lennox, and Mar, were annexed to the Crown. Those of Buchan and Strathern were confiscated. The nobles seemed all paralysed with the terror inspired by the energy of the king. They submitted with scarcely any resistance, as they dreaded the close alliance which he had ratified

* Act 9 of 1424; Act 13 of 1424-5.

with the kings of England and France, and the popularity which he called forth from the Scottish nation. His confiscations were also effected by authority of parliament and by legal decisions. Had James proceeded no further, he might have ruled with little resistance; but having attempted, irregularly, to deprive the Earl of Dunbar of his title and lands, both of which had been granted by the regent, this act roused the nobility in defence of their whole order; and a few of the most desperate conspired against the life of the king.

It was a maxim in Scottish polity, that a king surrounded by his barons is guarded against secret treachery. James, however, mistrusted his nobles, and he therefore dismissed them and their vassals, and retired to a monastery near Perth, where he was cruelly assassinated in 1437, in the thirteenth year of his reign, and forty-fourth of his age.

He was a prince of elegant manners, refined taste, cultivated mind, and great accomplishments. It was his misfortune to reign in a country which was oppressed by savage and ignorant lords, who despised his love of peace, his regard for justice, and his determination to advance the civilisation of the kingdom.

During the minority of James II., Crichton, an able but unscrupulous nobleman, was entrusted with the affairs of the kingdom. Finding it impossible to bring the sixth Earl of Douglas to submission, he seduced him by fair promises to the castle of Edinburgh, where he assassinated him and his brother. The eighth Earl of Douglas, some time afterwards, formed a league with the Earl of Craw-

ford and other barons, in order to revenge those murders, and in defiance of royal authority. But he also was deluded, by a safe conduct under the great seal to meet the king, on attaining his majority, at the castle of Sterling. The earl was urged by James to dissolve his league with Crawford and the other chieftains. Douglas proudly refused; upon which the king, in a passion, declared, "If you will not, this shall;" and he instantly stabbed him through the heart with a dagger. This savage deed horrified and astonished the nation; and either the cowardice, or incapacity of the next heir of Douglas, prevented his seizing on an opportunity when he might have decided whether the family of Stuart or of Douglas should reign as kings of Scotland. The Douglasses were ruined, and their best possessions annexed to the Crown. James then proceeded in carrying into execution various acts of oppression with regard to the alienation of Crown lands, declaring all former grants to be void, and reannexing them to the Crown. He caused an act to be passed repealing the hereditary wardenships of the marches, to which he extended the authority of the king's court; and he enacted several laws restraining the jurisdiction of the barons' courts within their own lands. By another act all the hereditary offices were abolished.

It is evident, that if James II. had not been killed by an accident at the siege of Roxburgh, he would have completely subverted the feudal system in Scotland. His son, James III., had neither the genius, address, nor courage to subdue the feudal power; he treated the proud barons with con-

tumely, and entrusted the power of the government to mean favourites. He lived within the castle of Stirling, amusing himself with music and some scientific experiments, then little valued in his kingdom; and at the same time he revoked all grants and hereditary offices which were conceded during his minority. The king's brothers, Albany and Mar, formed a conspiracy against him: both were arrested and imprisoned in the castle of Edinburgh. Albany escaped and fled into England, and assumed the title of Alexander III., King of Scots; and on promising fealty and homage to the English crown, and surrendering also the southern counties and castles of Scotland, the Duke of Gloucester, brother of the reigning monarch, Edward IV., accompanied Albany with a powerful army to the frontiers of Scotland. The Scottish nobles had been disgusted with the meanness of the king's associates; the principal favourites being one Leonard, a smith; Rogers, a musician; Torsifan, a fencing-master; Cochran, a mason; Hommill, a tailor; and one Ramsay, whom he appointed captain of his guard. Angus, Huntly, Lennox, and other principal barons of the realm, who had assembled to resist the English invasion, broke into the king's apartment, where they found those favourites, and, with the exception of Ramsay, dragged them out and hanged them, without any trial, over a bridge.

In the then disordered state of Scotland it is more than probable that but for Edward's death the result of the confederation between him and Albany would be the usurpation of the crown of Scotland

by that energetic prince. James III. was the first who attempted to maintain a standing guard, the command of which he gave to the minion Ramsay, whom he created Earl of Bothwell. James afterwards was attacked by the troops of the Border barons, his forces put to flight near Bannockburn, and he himself slain while attempting to escape. His son, James IV., a young man of generous disposition, and magnificent and gallant views, courted the nobility and admired the splendour of their retinues. He fell in the rash and fatal field of Flodden, together with twelve earls, thirteen lords, five eldest sons of noblemen, and a great number of barons, all of whom were called the flower of the Scottish nobility. He left an infant, James V., for his successor. The Duke of Albany was recalled from France, a kingdom where the monarch exercised an absolute despotism over the nobility. Albany endeavoured to humble the aristocracy; he banished Angus, one of the most powerful barons, and executed Home; but being a stranger to the Scottish people, his administration was more like that of a lieutenant to the King of France than of a regent holding the government of an independent kingdom in trust for its young king. The nobility, therefore, urged the king, when only in his thirteenth year, to assume the government.

Angus, one of the eight persons who were appointed to attend upon James, assumed full authority over the young king, seized his person, and confined him in Falkland Palace; but he escaped to the castle of Stirling, the only stronghold in the kingdom which had not been captured by Douglas.

When James V. attained his majority the heirs of those barons who had been slain on the field of Flodden had not yet acquired sufficient power to render them formidable, and the king, although his education had been neglected, perceived that the nobility were unable to act either with energy or unanimity. "They were," says Sir Ralph Sadler, the English minister in Scotland, "persons of little genius, who had no experience whatever in business."

Although the Popes had arrogated in all the other kingdoms of the West the appointments to bishoprics, and the exercise of all ecclesiastical control, so insignificant and poor was Scotland considered, that they never attempted to establish such authority in that kingdom; and the Scottish king retained the sole right of nomination to the vacant bishoprics and abbeys. The Scottish Catholic clergy at this time were distinguished for learning and ability; they were also among the most wealthy persons in the kingdom; and nearly all the industry, whether in arts or agriculture, was confined to those lands and districts which belonged to the Church and the monasteries.

James therefore resolved, in the first place, to treat the nobility with reserve and exclusion from office, and he conferred the chief places on ecclesiastics, and upon a few men of inferior rank. They all served the king with fidelity, reputation, energy, and success. His principal adviser or prime minister was Cardinal Beaton, a man of genius and great ability. But notwithstanding the turbulent and uncivilised character of the Scottish barons, the ex-

tre measures to which James resorted can never be defended. The most frivolous charges he visited with cruel punishment; he beheaded the eldest son of Lord Forbes, although there existed no evidence of guilt against him; he condemned Lady Glamis, sister of the Earl of Angus, to be burnt on pretence of witchcraft; he banished the Earl of Bothwell upon the slightest charges; and he in fact aimed at absolute power. But the king was deficient in political wisdom. He rejected the proposals of Henry VIII. for a personal interview at York, in order that James might institute the same opposition to the authority of the Pope in Scotland, where in reality it had never been exercised, as that which Henry had enforced within his own dominions. But James, being under the influence of his ecclesiastics, declined all the solicitations of his uncle, and consequently his kingdom was invaded by a powerful English army. The king, who could not trust the nobles whom he had mortally insulted, gave the command of his forces to a favourite, a commoner named Oliver Sinclair; and the result was disastrous. Disappointment, pride, resentment, passion, and the impetuosity of his own temper, subdued his constitution, and he died a few days afterwards, leaving the crown to an infant—afterwards Queen Mary—who was born* only eight days before his death. The kingdom fell again under the administration of a regency, and fresh elements of distraction and calamity, as well as of regeneration, developed their aspects.

The Reformation in Scotland began soon after-

* 3rd December, 1542.

wards, and it is from this period that we may date the first, though rude, dawn of civilisation in Scotland. In the Scottish parliaments the king exercised a prominent influence. Although those assemblies consisted chiefly of the nobility, it is seldom that they resisted the will of the king; and it is observed by Dr. Robertson, that "in none of the writings of our historians do we find an instance in which an opposition is formed against the court or parliament, or any difficulty in carrying through measures which were agreeable to the king." But it must, however, be remarked, that under the feudal government the king in his own parliament was in much the same position over the baron as the baron was over his vassals in his own court.

Burgesses were first admitted into the Scottish parliament by Robert Bruce. In the reign of Robert III. it would appear that constituent members were elected, or chosen to sit in the legislature; yet those commons were in reality the elected representatives not of boroughs alone, but also of the lesser barons, who considered it a privilege of little value to attend in person,—in fact, complained of such attendance as a grievance, which they had for 160 years endured, and insisted upon their right to send representatives by election to parliament. It was not until the reign of James VI. that they were compelled to give their attendance; before which time the Scottish parliament consisted of barons, clergymen, and a few members elected by the barons, with deputies from a few towns; and they all sat in one house, in which the lord chancellor presided. It would appear that those parliaments were suddenly summoned,

and the king, who issued the writs, excluded those who were averse to his measures. Until the beginning of the reign of James VI. the barons of parliament amounted to fifty-three. About the same number of Catholic ecclesiastical dignitaries sat in that assembly; and as the latter usually joined with the king, it followed that he invariably carried in the parliament, which was nothing more than his own court, any or every measure that he proposed.

In the Scottish records we find frequent mention of a council or committee, called the "Lords of the Articles." They arranged the measures which were to be introduced into parliament; and all new acts were first submitted to them, to be approved or rejected. Whatever they approved, and nothing more nor less, was introduced in the form of a bill, or law, and invariably agreed to, and passed by the parliament. In truth, the military spirit of the Scottish barons disdained the labour of, and the attendance on, civil affairs. Nor had they skill to examine the laws or measures which were proposed to the legislature; consequently, the will of the king, as expressed by the "Lords of the Articles" appointed by him, became the laws of the Scottish parliament. The "Lords of the Articles" were afterwards elected by parliament, and consisted of an equal number of each estate. There were eight temporal and eight spiritual lords; eight representatives of burghs, and eight great officers of state. The ecclesiastics and Crown officers were in parliament the constant servants of the king; and it is probable that the majority of the temporal lords and

burgesses were also associated to carry out whatever was suggested by the royal policy.

The kingdom of Scotland, on the death of James V., was left without any arrangement for its government. A child only a week old, and that a female, was the heir to the throne. No queen had ever reigned in Scotland before, and the regency, during her minority, was in the first instance seized upon by Cardinal Beaton, on the authority of a will which he had forged in the name of the last king. This prelate, who had been the prime minister of James V., was a man of daring intrepidity, and of unlimited ambition. The power which he exercised during the late reign as a high dignitary in the Church, his great ability in matters of business, the refinement of his manners, and his skilful address, recommended him above all others for the administration of the government. But the defects of his character were a haughty and insulting bearing towards his rivals, and a violent and rigorous perseverance in carrying forward the designs that suited his views; and in arrogating the superiority of his own judgment over that of all those who were averse to his political maxims or his boundless ambition.

Without any great regard for the doctrines of any religion, he was an intemperate supporter of that Church from which he held his ecclesiastical dignity as well as his regal power. Several of the Scottish nobility were favourable to the Reformation, and were strongly opposed to an intolerant churchman holding the highest and most absolute office in the kingdom. During his long administration he had disgusted the nation, and especially the barons, by

the haughty bearing and impetuosity of his character. The nobility, therefore, determined to overthrow the cardinal, and to select one from their own number to the office of regent.

The next heir to the infant queen was James Hamilton, Earl of Arran. His reputation ran high; he was free from ambition, and generally beloved for the mildness of his character, and the urbanity of his manners. But he was destitute of the energy, the self-reliance, and the administrative abilities which were necessary for the government of the kingdom. He was, however, elected by the barons, and the choice was popular. His first step was to negotiate a peace with Henry VIII.; and the latter, in consenting, proposed terms which were odious to the people of Scotland—an event which Cardinal Beaton turned to his own account, by complaining that the regent had sacrificed the interests and the honour of the kingdom to its worst enemy. It was stipulated in the treaty that the infant queen should be betrothed to Edward, Henry's son, and that she would be sent to England on attaining the age of ten years. Many other stipulations in the treaty were considered unfavourable to Scotland and advantageous to England.

The cardinal, who was previously confined to prison by the regent, on recovering his liberty, proclaimed in the churches that the latter had betrayed his trust,—that he was an excommunicated traitor,—that he had sold to the English the true Catholic religion,—that he had become the servile dependent of the King of England, and that he had degraded the religion and the people of Scotland. The cardinal

understood, above all other men, how to excite the passions and prejudices of the Scottish nation. He addressed himself to their traditional hatred of the English as ancient and, since the days of Wallace and Bruce, most inveterate enemies. He invoked their national pride, personal honour, and their spirit of independence; and he excited their religious bigotry and all their hereditary prejudices.

During the excitement and animosities which prevailed throughout the kingdom by reason of the skill and energy of the cardinal, an unjust and rash act on the part of the King of England enraged all classes of the people of Scotland. When the treaty of marriage and peace with England was ratified, some Scottish vessels, laden with fish and other provisions for France, were during a tempest driven into English ports, where they were seized and condemned as lawful prizes by Henry, on the ground that they were carrying food to his enemies. The cardinal declaimed against this confiscation of Scottish property, as an unpardonable insult to the nation, and he became, in his turn, the favourite of all orders, and even the barons—especially Argyll, Bothwell, and Huntly—declared him to be the deliverer of the independence and honour of Scotland. He thereupon secured the persons of the young queen and her mother, in which he was aided by the Earl of Lennox, the implacable and hereditary enemy of the Hamiltons.

The regent was at the same time supported by his natural brother, the powerful Abbot of Paisley; but he acted in this emergency without resolution and without dignity. In one week he

adhered to the treaty with Henry, and proclaimed Beaton a traitor to his country. On the following week he met the cardinal at Callander, abandoned the treaty with England, and embraced the policy of France. The queen dowager and the young queen held a separate court at Stirling, and the feeble regent became not only the dupe, but the creature of Cardinal Beaton and the French party. He had formerly encouraged the reformers; he now changed his religious sentiments. The Reformation, however, made rapid progress in Scotland, yet the regent publicly abjured in the Franciscan church at Stirling the Protestant religion which he had professed. The reformers were then persecuted by the cardinal and the regent; many were burnt alive, and others were terrified into apostasy.

Without the title of regent, the cardinal exercised all the power of the administration. He made use of Lennox to destroy the authority of Arran; but the former, finding that instead of acquiring power or dignity his authority had been used to gratify the ambition of an artful prelate, withdrew from Stirling and joined the reformers and their English allies. He might at first have destroyed the whole power of the cardinal, but having been deluded into negotiations, he was amused so long and so dexterously, that his troops became impatient; and being unable to remain in Edinburgh at their own expense, they returned home, leaving their chieftain without any force, and at the mercy of Beaton. He afterwards attempted to regain his position; but half of his troops were slain, and he would have been utterly ruined if Henry VIII. had not soon after

invaded Scotland, by land with cavalry, and by sea with a fleet. The latter landed a strong force near Leith, under the command of Lord Hertford, who entered Edinburgh, plundered the surrounding country, set fire to the capital and to Leith, and loaded the ships with treasure and other booty. He then retreated in safety to the English frontier.* This barbarous invasion resembled the ancient plundering expeditions of the Danes, and was characterised by the fierce animosity towards each other which prevailed in both nations, and by the savage vengeance which they inflicted in their depredations.

Lennox was deserted by his own vassals, and he fled for protection to the court of England, where he received in marriage the king's niece, Lady Mary Douglas; and his son by this marriage became afterwards the husband of Mary Stuart, and the father of James VI., and the progenitor of the race of kings and queens who have since held the sceptre of the three kingdoms.

Scotland was included in the general peace between

* The instructions which were given to Hertford by the lords of the council are remarkable for their animosity and barbarity. The expedition was altogether for vengeance and plunder. Hertford was directed to "put all to the fire and sword; burn Edinburgh when you have gotten all that you can, that it may be so used and defaced as to remain for ever a perpetual memory that the vengeance of God had lightened upon it for their falsehood and disloyalty; sack the houses and as many villages and towns about Edinburgh as you can conveniently; sack Leith and all the rest, putting men, women, and children to the fire and sword, without exception, when any resistance shall be made against you; pass over to Fifeland, and extend the like extermination and destruction to all the towns and villages. Spoil and turn upside down the cardinal's house at St. Andrew's, so that no stone may stand upon another, sparing no creature; and when at the castle, if it be your fortune to get to it, raze and destroy it piecemeal, &c. &c. After this sort spoiling and destroying with that wise forethought which his majesty deemeth you will use, and his majesty thinketh verily and so all we shall find this general succeedeth this way most to his majesty's honour."—See Note, Appendix.

England and France ratified in the following year. Cardinal Beaton having acquired nearly absolute power, seems to have lost his former prudence and dignity. He became insolent to all the nobility; acted with severity towards the factions which were opposed to him; persecuted the reformers, and illegally burnt George Wishart alive—a man greatly beloved by the nation, for his unpretending virtues, honourable birth, and great influence as a Protestant divine. Beaton had at that time fortified his castle of St. Andrew's so strongly that it was considered impregnable. The members of the university and the town were his servile dependents, and he had constantly a numerous retinue for his defence; but sixteen persons under Leslie, son of the Earl of Rothes, contrived to enter the castle when the gate was opened early in the morning to admit the workmen who were engaged on its fortifications. The conspirators awakened one by one each of the mechanics and domestics, led each out of the castle without violence; and in the cardinal's own chamber they committed the crime of assassinating the tyrant. By this violent deed they released Scotland from the power of an ambitious prelate, and relieved the nobility from the pride and haughtiness of a man who had long insulted and degraded them as men, and especially as barons.

The murder of Beaton was an act of savage atrocity. It destroyed the rival who had usurped the power of the regent. It was fatal to the Catholic Church; and not disagreeable to the regent. But on the intercession of the queen dowager and her adherents, and in order to recover his son, who had been detained as a hostage at St. Andrew's by

the cardinal, and who was still in the castle in custody of the conspirators, he was induced to attempt to punish those who had assassinated Beaton. But the conspirators held out for five months, and the siege was finally concluded by a truce, or rather treaty, by which Arran engaged to obtain a pardon from the parliament and an absolution from the Pope, on condition that when both were procured they would deliver up his son and surrender the castle. The regent, however, failed to perform his part; and Leslie and his fellow-conspirators were supported by Henry VIII., who supplied them both with money and provisions. But the death of Henry frustrated their expectations; and a short time afterwards the new King of France, Henry II., sent a strong force to the assistance of the regent,—the castle was stormed and demolished, in accordance with an anathema against the “house in which the sacred blood of a cardinal had been shed.” John Hamilton, Abbot of Paisley, the regent’s natural brother, succeeded Beaton as Archbishop of St. Andrew’s.*

Scotland was again invaded, in 1547, by an army under the command of the Protector Somerset; and although the Scots assembled an army twice as numerous as that of the English, which consisted of

* While the regent’s eldest son, the presumptive heir to the crown of Scotland, was in custody of the conspirators in the castle of St. Andrew’s, it was suspected that they would deliver him to the English; and in order to provide against such an event, the parliament of Scotland passed an act excluding the regent’s eldest son from all right of succession, public or private, so long as he was detained a prisoner, substituting his other brothers according to seniority; and, failing them, those who were next heirs to the regent. This act was framed out of hatred to England, and in the recollection of former wars and injuries.

18,000 men, the battle of Pinkie, in which they were also exposed to the fire of the English fleet in the Bay of Musselburgh, was fatal to the undisciplined and wretchedly armed forces of the regent. It is estimated that more than 10,000 of the Scots fell in this battle and in the flight that ensued. If the protector had followed up his triumph, it is believed that he would have conquered the whole kingdom; but he was compelled to return to London, in order to preserve his own power against a cabal which had combined for his overthrow. The wise proposal of Somerset to unite the kingdoms by the marriage of Edward and Mary was rejected, chiefly by the counsel of Mary of Guise: and the effect of that refusal and of the English invasion was a closer alliance between Scotland and France, and the young Queen of Scots was betrothed in marriage to the dauphin, eldest son of Henry II.: 6000 veteran troops were, at the same time, sent over from France to Scotland, by whose aid the English were expelled from Haddington, and from several small forts which they occupied on the borders. The regent was created Duke of Chatelherault, and received a pension from the King of France. The fleet which had brought over the French forces conveyed Mary, then six years old,* to France, at the court of which she received that education and those polite accomplishments, together with those prejudices and that religion which were the causes of her future calamities as a queen.

After the Earl of Warwick had destroyed the authority of Somerset, he acquired the power with-

* In 1549.

out the title of protector. But peace was essential to the designs which that ambitious nobleman had planned; and after the conclusion of the preliminaries of peace with France, the treaty of marriage between Edward and the Queen of Scots was abandoned, and peace was agreed to between the two kingdoms. The French forces left Scotland soon after. They were hated by the Scots, who were at that time a high-spirited, but a jealous, rude, and passionate nation; and they were disgusted with the refined manners and military discipline of their allies.

When tranquillity was established, the preachers against Popery in Scotland, the first of whom appeared in the reign of James V., became numerous, and they were zealous and pious men, but not so learned nor so accomplished as the Catholic priests. The knowledge of the doctrines of the Reformation was chiefly derived by the Scottish ministers from books published in England; but soon afterwards they became acquainted with the writings and doctrines of the German, and especially the Swiss, reformers. John Knox, who had been educated at Geneva, was the most undaunted and commanding preacher that was ever known in Scotland. It was said of him that "he never feared the face of man;" and in commencing his public ministry in the year 1547, at St. Andrew's, he boldly attacked the ceremonies, discipline, and doctrines of the Romish Church. He preached publicly under the protection of the conspirators in the castle of St. Andrew's, until he was enabled to go forth in safety, and until the influence of the Reformation in England extended to Scotland. Seve-

ral of the Scottish noblemen embraced the reformed doctrines, and the Protestants began to gain strength, resolution, and confidence.

The Regent Hamilton, having by his apostasy disgusted the reformers, they constituted his most numerous enemies; and the queen dowager, Mary of Guise, in order to overturn the regent, and elevate herself to the supreme power, courted the reformers, and promised them her protection. On visiting her daughter in France, she prevailed upon several Scottish noblemen, possessed of power and influence, to accompany her. They were flattered by the courtesies and by the elegance and pleasures of the French capital, and they were soon persuaded to approve of the queen's wishes. Her manners were gentle and insinuating, and her ambition was not considered dangerous to the liberties of the people. Proposals were at length made to the regent, and after various threats and promises he agreed to surrender his power, whereupon the queen returned to Scotland. But she was opposed by the Archbishop of St. Andrew's, who persuaded his brother to recal his undignified resignation. Mary, disappointed and mortified, knew well how to dissemble her feelings, and to carry on her intrigues with success. By the sweetness of her manners and entertaining conversation, she rendered herself agreeable to the nobility, and she continued to favour and support the reformers. She would have easily by her address have won over the regent, but the ability, cunning, and ambition of the archbishop, frustrated her attempts for a considerable time. But as all the Protestants supported the queen

dowager, and as the barons had nearly all deserted the regent, he was again induced to resign at the request of the young queen, and by the promises of the King of France. Mary of Guise, in consequence, became regent of the kingdom.

It is remarkable that a haughty aristocracy and a turbulent nation should have allowed a foreign lady, with none of the blood of the Scottish sovereigns in her veins, to glide with gentleness and popularity into the supreme authority. It is still more remarkable that a woman of the family of Guise should have promoted the establishment of a religion which had not only been discountenanced but persecuted by her family, and this at a time when Mary the Queen of England was burning the Protestants of that kingdom.

In Scotland the form of the Roman Catholic religion which had prevailed was more bigoted and less attractive than in any other country in Europe. The churches and monasteries had acquired property from the Crown, and from alienations by "living and dying sinners," even more rapidly than in England. It is supposed that one-half of the national property had become vested in the ecclesiastics. David I. alienated nearly all the Crown lands to the ecclesiastics. He was canonized in consequence. Many of the younger sons and descendants of the nobility held their lands or farms from the Church at moderate rents, and were consequently vassals of the ecclesiastics. The parliaments, as well as the Lords of the Articles, were chiefly under the direction of the clergy. As for the barons, they were generally occupied with other pursuits;

their chief amusement was hunting, and their profession was war, either in Scotland in making predatory descents upon the English counties, in fighting against each other, or, abroad, as mercenaries with their vassals in the armies of foreign potentates.

The highest office under the king in Scotland was that of lord chancellor, and of fifty-four who held that post until the death of Cardinal Beaton, forty-three were Church dignitaries. The president and half the senators of the Lords of Session Court were by its constitution ecclesiastics. The clergy in Scotland acquired a power which was never attained by those of England, in consequence of the introduction of the civil and canon law, by which, no testamentary nor matrimonial dispute could be adjudicated in any other than the spiritual tribunals. Those courts pronounced sentence of excommunication as well as of outlawry. The superstitions of the age and the secular power combined with the Church in rendering those sentences destructive of all civil and political liberty, and of all religious freedom.

The lives of the Scottish ecclesiastics were so stained by a corruption of morals, that they seldom concealed their dissolute manners. The marriage of the natural daughter of Cardinal Beaton with the son of Lord Crawford was celebrated with all the magnificence which would attend the marriage of the legitimate daughter of the highest nobleman.*

* The public records of Scotland exhibit a greater number of letters of legitimation during the first thirty years after the Reformation than during the whole period that has elapsed since that time, and they were all obtained by the sons of the Popish clergy. Those ecclesiastics who were allowed to retain their benefices alienated them to their children.—See Keith's "*Catalogue of the Scottish Bishops*," and Robertson's "*History of Scotland*."

Mary of Guise offended the Scottish nobility by conferring offices on some Frenchmen. She appointed Vilmort comptroller of the public revenues, Bonot governor of Orkney, Rubay vice-chancellor, with the custody of the great seal. She increased her unpopularity by proposing to the Scottish parliament a fixed tax on land for maintaining a body of regular troops.

Such a tax was unknown in Scotland, and the pride of the nobility, who were always distinguished for their bravery and generosity, was grievously wounded by the attempt to entrust the defence of the country to mercenaries. The queen prudently abandoned this scheme, which was imputed to her foreign councillors. Having also, by various intrigues, endeavoured to involve the country in war, and on allowing D'Oysel, commander of the French troops, to pass the Tweed and invest Werk Castle, she soon found that the nobles would not second her efforts, and she again attempted to render herself popular by recalling Kirkcaldy of Grange, and the other conspirators who had murdered Beaton, from banishment.

In the 15th year of her age, Mary Stuart, daughter of James V., was married to Francis, Dauphin of France. Of the eight commissioners sent by Scotland on the occasion of that ceremony, there were some of the most zealous advocates of the Reformation; and the instructions which they received from the Scottish parliament, and which are still in existence, are remarkable for their wisdom and integrity, and as exhibiting the intelligence and good judgment which must have then prevailed in that assembly;

contrasting honourably with the perfidious deeds which Mary was persuaded to subscribe prior to her marriage, and by which she conferred the whole kingdom of Scotland in free gift upon the crown of France.

By the "courtesy" of Scotland, any one who married an heiress held possession of her estate during his own life if he survived her, and for the children born of the marriage; and it was agreed in the treaty of marriage that the dauphin should assume the title of "King of Scotland." This was considered by the commissioners as an honorary distinction; but the French insisted that the dauphin's dignity should be recognised, and the Crown Matrimonial conferred upon him, with all the rights appertaining to the husband of the queen,—the policy of the French court being to apply the rule, which by Scottish law appertained to heritages, to that of the kingdom.* Robertson remarks, in a note, that the conspirators against Rizzio bound themselves to obtain a grant of the Crown Matrimonial to Darnley during all the days of his life. The Scottish deputies to the French court offered an opposition to the demand for the Crown Matrimonial, and it was opposed in parliament by the partisans of the Hamilton faction. The queen regent, however, and her numerous adherents, including all the Protestants, managed to obtain the sanction of the parliament confirming that part of the treaty. It is remarkable

* By the "*Crown Matrimonial*," which is not explained by the Scottish historians, it would appear that the husband of the queen acquired the same right and title as the queen to have his name stamped on the current coin, and to sign all public instruments. In consequence of all this, his subjects took an oath of fidelity, and his authority became in a great degree equal to that of the queen's.

that the Protestants should have been the most zealous of the queen regent's supporters in carrying a measure which was favourable to the French policy, while the Roman Catholic Archbishop of St. Andrew's and the Romish clergy opposed it with all their power and violence.

The queen regent also, with great skill, retained the support of the reformers; and while the ecclesiastical bench in parliament was altogether under the influence of the Archbishop of St. Andrew's, she lessened the number of clerical seats, by keeping in her own hands all those bishoprics and abbeys that became vacant, with the exception of two or three which she conferred on Frenchmen; one of whom was her brother, the Bishop of Lorraine, to whom she gave the rich abbeys of Melrose and Kelso.

Notwithstanding the support and protection which the queen extended to Protestants, the Archbishop of St. Andrew's, who for many years governed the Romish Church with great prudence, was at last induced to persecute the reformers; and one of his first acts was to burn an old priest alive who had been convicted of the Protestant doctrines. The Protestants fled for protection to the queen regent. Parliament met soon afterwards, but they were prevailed on by the queen not to petition that assembly.

During a meeting of the Convocation, in 1559, the Protestants suspected a change in the regent's policy; and they were justly led to conclude that she had only protected them merely from interested and political motives. The change in the conduct of the queen regent towards the reformers arose

from no principle which involved her own power and authority, but the princes of the House of Lorraine had acquired all save royal power in France: and they monopolised all the gifts of the Crown and the administration of the Church, the finances, and the army. By the marriage of their niece, the Queen of Scots, to the dauphin, they not only looked forward to the royal dignity, but they set up that queen as the legitimate sovereign of England. For the purpose of destroying the power of Elizabeth they considered it necessary to secure the whole Catholic force of England, and they adopted the policy of crushing the Protestant power in Scotland, in order to make the latter kingdom the medium for invading the former. Two of the leading and most powerful of the Protestants were the Prior of St. Andrew's and the Earl of Argyll, and they, with their soldiers, were marked out by France as the first victims; and instructions were accordingly sent to the queen regent to carry those leaders off by citing them as heretics in the spiritual courts.

Mary of Guise was naturally both sagacious and humane. She understood the Scottish character well, and she considered the policy of her brothers both cruel and impolitic. They, however, insisted on her carrying into effect, without delay, and with energy, the instructions they had sent her. Her devotion to France and to her family was at all times paramount to the generosity of her heart and to the wisdom of her mind; and in violence of her own better judgment, and at the risk of losing her power, she consented to be the agent of her ambitious brothers, and she committed errors and crimes,

the consequences of which she anticipated and feared, and which ended fatally to herself and her family. She was supported in this base policy by the Archbishop of St. Andrew's, by the whole Hamilton faction, and by all the Roman Catholics; and she issued a proclamation enjoining all persons to observe the ceremonies of the festival of Easter with all the forms of the Popish ritual.

When the Earl of Glencairn and Sir Hugh Campbell, on the part of the Protestants, remonstrated with her on the severities which she had sanctioned, she made no apology, but finally declared that she had determined to extirpate the reformed doctrines in all parts of the kingdom. And she added, perfidiously, "the promises of princes ought not to be too carefully remembered, nor the performance of them exacted unless it suit their own conveniency."

She soon after summoned all the Protestant preachers in the kingdom to a court of justice. The Reformers had assumed the name of the "Congregation," from their numbers and their unity, and the whole body of the Protestants resolved to stand by their ministers. When the latter, in obedience to the summons, attended at Stirling, they were accompanied, according to the Scottish custom as in the case of criminals on being brought to their trial, by a retinue of their friends and adherents from all parts of the kingdom. The queen dreaded the advance of such powerful numbers, and entreated Erskine of Dun, who had great influence with the Protestants, to prevail over them not to march to Stirling, and that she would order the trial of the preachers not to be proceeded with. They received

this announcement with pleasure, and the multitude dispersed, while the preachers and a few of the party returned to Perth.

On the 10th of May, 1559, the day named for their prosecution, Mary proclaimed that all who had not obeyed her summons to attend their trial should be declared outlaws. By this act of perfidy the queen forfeited the confidence of the whole nation. Erskine, enraged at the treachery of the queen, returned at once from Stirling to Perth, and roused the Protestants to act on the defensive. Knox, who had been carried to France from the castle of St. Andrew's, escaped from that country, and appeared among the Protestants at Perth a few days after the day appointed for their trial at Stirling. He addressed the Protestants from the pulpit, and made a vehement harangue against idolatry; after which an indiscreet priest attempted to celebrate mass. In consequence, the Protestants became enraged, and rose and attacked the churches, defaced the images, and destroyed the altars.

They next attacked the monasteries, which they levelled in a few hours. This riot was not preconcerted, and was altogether owing to the accidental rousing of the popular fury. The queen regent had at first resolved to destroy the Protestants by military force. But as they assembled in great numbers, and as the Congregation was aided by a powerful reinforcement brought by the Earl of Glencairn, she considered it more prudent to negotiate a peace with them;—by which it was stipulated that both armies should be disbanded—that the gates of Perth should be opened to the inhabitants—

that the town should be indemnified for its losses—that no French troops should occupy Perth, nor the French soldiery remain within three miles of the town, and that a parliament should immediately be held to settle remaining disputes.

The leaders of the Protestants, however, placed no confidence in the queen, and they accordingly entered into a new league, under which they bound themselves, in the event of a breach of faith on her part, to reassemble their forces, and take arms in defence of their God and their country. They had no sooner dispersed their followers, than she introduced French troops into Perth, fined and dismissed the magistrates, fined and banished many of the inhabitants, and placed in the town a garrison of 600 men, who were instructed to allow the exercise of no worship except that of mass. The Earl of Argyll and the Prior of St. Andrew's immediately left the court and joined the leaders of the Congregation. The preachers roused the people to arms. The neighbouring barons joined the Congregation in Fifeshire. The queen, who had a standing army of from 3000 to 4000, commanded by D'Oysel, ordered the forces of the Lords of the Congregation to be attacked; but the members of that league became so formidable that she again resorted to negotiation. Instead of obeying her, the Protestants now demanded not only a redress of their religious grievances, but insisted on the immediate expulsion of the French troops. The queen consented to remove those forces south of the Forth, between which and the Tay, with the exception of the town of Perth, the whole country was in the

possession of the Congregation. They in a few days drove the queen's forces out of Perth, and they soon afterwards occupied Stirling, the gates of which were opened to them by the citizens. They marched against Edinburgh, from which the queen retreated precipitately to Dunbar; and in their march the Protestant army destroyed the altars, paintings, and images in the parishes and monasteries, and the latter were demolished.

But, notwithstanding those violent and barbarous acts, no one professing the Romish faith suffered death at the hands of the reformers, and it was seldom that they were exposed to any personal insult. The rapidity with which the whole nation joined the reformers is remarkable, and proves that the Scottish people were for a long time prepared for that extraordinary religious and ecclesiastical revolution.

They marched from Perth without interruption, under Argyll and the Prior of St. Andrew's; first with no more than 300 men, but at every town on their way they received accessions until their number increased to an army of more than 5000 men. Every town opened its gates and received them with joy and hospitality; and without firing a shot or using the sword, they entered and occupied the metropolis of the kingdom. They now determined to substitute the Protestant for the Roman Catholic as the religion of Scotland. They occupied the churches, and they made Edinburgh their headquarters. The queen dowager still remained at Dunbar, and practised her usual arts in order to allure the Protestants into a pretended reconci-

liation. She managed to procrastinate the negotiations until the Protestants were deceived into the belief of their being free from any further danger; and when they had dispersed over various parts of the country, and left but a small force in Edinburgh, she suddenly marched to that city, which she managed to enter, by a truce, and without any bloodshed.

The affairs of the Protestants now appeared desperate, notwithstanding some concessions to which the queen agreed: but she resolved to retain the French garrison in her pay, and they, being unable to resist her power, agreed to a stipulation to that effect. The young Earl of Arran, who was presumptive heir to the throne of Scotland, and allied to the crown of France, having discovered that the Guises had plotted against his life, fled from France to Scotland, where he joined the Protestants, and he induced his father, the Duke of Chatelherault, to abandon the queen regent.

The Guises, after the assassination of Henry II., acquired absolute authority in France: they sent 1000 soldiers to Scotland, and they occupied and fortified Leith. Their violence in expelling a great number of the inhabitants of the town, in order to accommodate themselves, rendered the employment of those soldiers not only unpopular, but galling to the national pride. The council of the queen at the same time consisted of several French advisers, who were sent over by her brothers; among others, the Bishop of Amiens, who was a violent churchman. When the confederate Lords of the Congregation remonstrated with the queen, she required of them, under

pain of treason, to deliver up the forces which they had assembled.

The Scottish barons, unless when in open revolt or conspiracy, had been always treated by their monarchs with courtesy; and they resolved not to bear any longer with the indignities to which the queen regent had so frequently subjected them. All the barons, and the representatives of burghs, assembled and formed a convention equal in dignity and numbers to those who had usually assembled in parliament. This convention proceeded immediately to action; they were untrammelled by forms, and they acted with unanimity. In one day they resolved that it was not only lawful for subjects to resist tyrannical princes, but to subvert their authority whenever they exercised power as an instrument for destroying those whom the Creator ordained should be protected by their rulers. Without a dissenting voice it was resolved that the queen should be removed from the office of regent. The decisions of the convention, though summary, were arrived at with solemnity, and they were inspired as much by the spirit of independence and of the love of liberty as by their zeal for religious freedom. By the act of deprivation it was declared that no obedience should be observed with regard to any authority which the queen dowager might attempt to exercise. While a foreign army occupied Leith, Edinburgh, and some other places, the army of the Congregation possessed no artillery, nor the munitions of war, necessary to dislodge the French, who were well provided with all that was necessary for standing a siege. The queen therefore continued in power, and despised the efforts of the Protestants.

In their extremity they applied to Queen Elizabeth for money, and the remittance which they received soon afterwards enabled them to arm their followers, and to advance upon Leith. But they were compelled to abandon the siege of that town, in consequence of Bothwell having intercepted Cockburn on his way from Berwick with 4000 crowns, which he had received from the governor of that town. By degrees, however, nearly all the Scottish nobility abandoned the queen dowager. The Protestants received further sums of money from Queen Elizabeth, and they were animated and united in their endeavours by the enthusiasm and exhortations of John Knox. An English fleet arrived soon after in the Frith of Forth, and, having anchored opposite Leith, prevented the garrison from receiving further supplies, and the French were besieged by 6000 foot and 2000 horse, sent from England, under the command of Lord Grey de Wilton. A treaty was soon afterwards concluded between the Lords of the Congregation and the queen dowager, through the instrumentality of Queen Elizabeth, and peace was confirmed by the articles of a treaty agreed to between Elizabeth and France, in which she obtained advantageous terms for her Scottish allies.

This treaty was ratified in the name of Francis and Mary. It stipulated that the French troops should immediately depart from Scotland; that no foreign troops should afterwards enter that kingdom without the consent of parliament; that the fortifications of Leith and Dunbar should be razed; that no new fortifications should be erected, except, with the permission of parliament; and that a parliament should

be held in August, the deeds of which should be considered as legal in all respects, as if called by express command of the King and Queen; that, in conformity with the ancient laws and practices of Scotland, the king and queen should not be allowed to declare war or conclude peace without the consent of parliament; that during the absence of the queen the government should be entrusted to a council of twelve persons, to be chosen out of twenty-four members of parliament,—seven of which council were to be elected by the queen, and five by parliament; that the king or queen should not be empowered to appoint foreigners to offices of trust or dignity in Scotland, or to appoint to the office of treasurer or comptroller of the revenues any ecclesiastic; that a general indemnity should be observed for all offences committed after the 6th of March, 1588; that such amnesty should be legalised during the ensuing parliament, and ratified by the king and queen; that all indemnities for losses should be left altogether to the adjudication of parliament; and that, with respect to religion, the ministers of the two crowns should leave the examination of all points of difference to the parliament at its first meeting, and to report accordingly to the king and queen.

This treaty, which was concluded in the year 1560, may be considered as having secured the power of the Protestants in Scotland; and history scarcely affords a more remarkable example of courage and perseverance,—of prudence and wisdom, than that which was exemplified by the Lords of the Congregation. They were at first considered contemp-

tible, from the meanness of their rank and the feebleness of their numbers; and although often frustrated by the perfidy of a regent queen, who had acquired her power by favouring the Reformation, they soon grew strong in numbers and dignity; and finally, by this remarkable treaty, transferred the whole sovereign authority to their own body, and nearly annihilated the whole royal prerogative. But it must not be imagined that the people of Scotland acquired any real political or civil liberty by this achievement; and, although the form of Church government, which was soon after instituted, was republican in its construction, it was the aristocracy of the kingdom, always powerful, who now acquired an authority beyond either royal or popular control. The councils of France had for centuries influenced the government of Scotland; but this treaty not only alienated the Scottish nation from the French court, but laid the foundation of that peace, and finally led to that union of the crowns of Scotland and England, which has, more than any other cause, preserved the tranquillity and accelerated the prosperity of Scotland.

The kingdom was now left to her own resources, and her administration became vested in such an authority as would not be legalised in a parliament summoned by any royal favour: but that executive power received its sanction from a parliament which met under circumstances unprecedented even in that kingdom.

The parliament of Scotland before this time was an assembly of the barons, bishops, abbots, and a few delegates from the burghs. All the lesser barons had the privilege of being present, either personally

or by proxy; but as no one attended without a great body of vassals and dependents, the expenses and inconveniences were such, that it was seldom that any, excepting the more powerful nobles, sat in the Scottish parliament. It was only on extraordinary occasions, when the tranquillity of the country was violently endangered, that the burghs went to the expense of sending commissioners to represent them in parliament. When common dangers, during turbulent periods, threatened the property and the lives of the lesser barons, and of the inhabitants of the towns, both the latter sent their representatives to vindicate their rights.

To the parliament, therefore, which assembled in 1560, there repaired a full convention of temporal and spiritual peers, above one hundred of the lesser barons, and representatives from nearly all the burghs. There had been no king or queen at the time in Scotland; and no royal commissioner appearing, the legality of this meeting of parliament was questioned, until a passage in the treaty of Edinburgh was cited, which declared that the acts of this parliament were to be considered in all respects as valid as if summoned by a direct command of the king or the queen. The members and adherents of the Lords of the Congregation were the boldest and most zealous of all those who constituted this assembly. Their most able leaders were appointed as a "Committee of Ancient Use." The deliberations of the Lords of the Articles were prudent, energetic, and decisive. An act of oblivion was passed, and a council, chosen from twenty-four members of parliament, was entrusted with supreme authority, and all civil matters stipu-

lated by the late treaty were agreed to, with little discussion and delay. Those which regarded religion, were more carefully, and with greater difficulty, arranged.

There were several prelates of the Romish Church in this parliament, but they usually remained silent; the zeal and power of their opponents being so thoroughly pre-eminent, that the Catholics made no effort to resist the overwhelming tide of the Reformation; but trusted that when the king and queen returned from France, their religion would be restored. This parliament condemned the Romish ceremonies and doctrines which were declared unchristian and false by the Reformers; and they legalised the "Confession of Faith" which was drawn up by the Protestant leaders, and in which the tenets and practices of the Roman Catholic Church were execrated. The jurisdiction of the ecclesiastical courts was abolished; and all such cases as were formerly tried in those courts were placed under the judges of the civil tribunals. By another act of this parliament, no toleration was allowed for those who professed the doctrines of the Romish Church. The Church itself was abolished, and its worship and ceremonies prohibited. It is impossible to read this act without animadverting on the severity of its penalties. The first offence was punished by the forfeiture of goods, and by corporeal punishment, according to the discretion of the judges; the second rendered the offender liable to banishment; and the third was declared a capital offence. Thus, in a few days, that religion which had been established in Scotland for ages was thoroughly subverted; and the form and

doctrines of worship set forth and preached by John Knox, were accepted with ardour, and instituted with celerity, over all parts of the kingdom.

The property of the Church became the next object of deliberation. The monasteries were suppressed; but those abbots who had previously, or suddenly at the time, embraced the reformed doctrines, from conviction or policy, seized upon the whole revenue of their convents, and applied them to their own purposes, leaving but scanty allowances for the support of a few old monks. The reformed ministers contested, with reason and justice, that those revenues should be applied to the purpose of educating youth, assisting the poor, and maintaining the reformed parish churches. But the lay members in parliament resisted the demand, and nearly the whole property of the Romish ecclesiastics and monasteries may be said to have been transferred to the aristocracy. Provisions, however, were afterwards made for each of the parochial ministers. The acts of this parliament never received the royal assent; but, notwithstanding, they were obeyed in all parts of the kingdom as having full legal authority, and they were submitted to with more partiality and zeal than the statutes of the most regular parliament.

But there is no doubt that, according to the ancient constitution of Scotland, the proceedings of this parliament were irregular. It assembled, however, under circumstances so extraordinary and unprecedented, that it was advisable and justifiable to depart from the established rules of government, and of the ancient parliaments.

An ambassador was sent to communicate to the king and queen the proceedings of the session; but he was received with contumely, and they refused to ratify the acts of the parliament. But Morton, Glencairn, and Maitland, who were sent by the Lords of the Congregation to Queen Elizabeth, were courteously received, and all the acts which had been agreed to by the parliament were approved by the English queen, who promised her friendship and assistance in the event of any future troubles arising in Scotland, in regard either to the leaders of The Congregation, or to the religion which had been established.

Notwithstanding the alliance which the Lords of the Congregation had formed with Queen Elizabeth, the Scottish nation dreaded the power of France; for the Queen of Scots being the consort of the young French monarch, and the latter having been invested with the *Crown Matrimonial* of Scotland, it was natural to suppose that the latter kingdom would become little more than a fief of the former, unless a formidable resistance was made against the authority of Francis II. This policy was favoured by circumstances.

Catherine de Medici endeavoured not only to subvert the powers of her feeble son, but she also resorted to those intrigues for which her family were always distinguished, in order to destroy the influence which Mary had acquired over her husband. The death soon after of that prince, not only relieved the Lords of the Congregation from their apprehensions of danger, but rendered abortive the power of the Lorraines. The second son of Catherine de Medici having succeeded to the throne of France as Charles IX.,

his mother, Catherine, seized upon the power of the government; and she even exulted in the death of her eldest son, and the mortification which the Queen of Scots experienced on that occasion. Mary, finding herself abandoned by those courtiers and ladies who formerly flattered her as their queen, left Paris and retired to Rheims, in Lorraine. Her uncles, at the same time, found their power so much enfeebled by the ascendancy of Catherine de Medici, that they seemed to abandon their ambitious projects with regard to Scotland.

The first general assembly of the Protestants of Scotland was held in the year 1560; but the numbers who attended were far from representing either the towns or the shires of the kingdom, and their deliberations were not conclusive with respect to any form of Church government. Early in the following year a convention of estates was held, to which John Knox presented a "Book of Discipline for the Administration of the Reformed Church." He and other ministers contended for the appropriation of the old ecclesiastical revenues, in order to promote true religion, maintain the poor, and support schools. But the nobility persisted in retaining the property which they had seized. The Prior of St. Andrew's was commissioned by this convention to proceed to France, and invite the queen to Scotland. The Roman Catholics, however, had suddenly despatched Leslie, afterwards Bishop of Ross, to France; and he had an interview with the queen before the arrival of the prior. He persuaded the queen to entertain suspicions of her Protestant subjects; and assured her that if she landed at Aberdeen, where the Reforma-

tion had made but little progress, she would in a few days be joined by 20,000 men under arms, who would soon enable her to abolish the Calvinistic doctrines in Scotland. But she was dissuaded by her uncles from attempting so rash and violent an enterprise. The Prior of St. Andrew's was courteously received by the queen, and he succeeded in dissipating all the suspicions which were infused into her mind by Leslie.

CHAPTER XII.

RETURN OF MARY STUART TO SCOTLAND, AND THE CONSEQUENCES.

MARY still lingered in France, but she at length left that kingdom in sorrow, never to behold again the land in which she enjoyed nearly all the felicity that was allotted her during a life of calamitous vicissitudes.

She disembarked at Leith, in her native kingdom, from which she had been absent for a period of thirteen years. She found the country in a state of poverty and gloom; and she entered the unadorned and uncomfortable palace of Holyrood with feigned cheerfulness, but with inward anguish. Instead of the elegance, splendour, and fascination of the court of France, she was surrounded by turbulent, unpolished, illiterate, and licentious barons, who for several years had considered themselves little less than independent princes. She found also that, instead of the people regarding France in a favourable spirit, they had confederated with the English, who had acquired a powerful ascendancy over the leading men in Scotland. But she was received with respect by all the nobility; and having been accompanied by several of the French aristocracy, she in a short time formed a court, in which she presided with a grace, elegance, and

politeness that softened even the savage rudeness which prevailed among her subjects. But the celebration of mass the first Sunday after her arrival enraged the Protestants, and a serious and fatal riot would have ensued had it not been prevented by the influence of the Prior of St. Andrew's. The queen, however, was afterwards allowed the uninterrupted exercise of the Catholic worship, for herself and her domestics. By this act of prudence on the part of the Protestant leaders, the queen acquiesced in publishing a proclamation in favour of their religion a few days afterwards.* The administration of the government was conferred entirely upon the Protestants: there was not a single Roman Catholic in her council. Her chief ministers were the Prior of St. Andrew's, and Maitland of Lethington. Diplomatic relations were then established between Mary and Elizabeth. Maitland was sent to the English court by the former, and Randolph was sent by the latter to Scotland; but no real friendship was established between the two queens.

The tranquillity which had been maintained for the first year after the queen's arrival was disturbed soon after by the turbulence of the barons; and the Earl of Huntley rose in open rebellion. A parliament was held in May, 1563; but the queen did not assent to the laws establishing the Protestant religion, although she had consented to imprison and prosecute the Archbishop of St. Andrew's, for celebrating mass. Knox and the leaders of the Presbyterians renounced

* By this proclamation Mary declared that, until she should take final orders concerning religion, under the advice of parliament, any attempt to alter or subvert the Protestant religion, which she found universally practised in the realm, would be deemed a capital crime.

all moderation in matters of religion, and the pulpits echoed with declarations against idolatry, and with denunciations against those who continued their attachment to the queen. Two years afterwards Mary rashly committed the imprudence of marrying Lord Darnley, a young nobleman remarkable for the manliness and beauty of his person; for the impetuosity of his temper and the shallowness of his mind. This imprudent act caused the defection of her popular minister Murray, between whose family and the Lennoxes an implacable enmity had arisen. Murray placed himself at the head of the malcontents, but they were driven into Argyleshire, and afterwards into England.

On the following year a parliament was assembled, and the queen resolved to pass attainders against Murray and the other rebel nobles; she also resolved to re-establish the Roman Catholic worship in Scotland. In the mean time the vices and conduct of Darnley alienated the queen's affections from him. The murder of Rizzio, a favourite, raised by her from obscurity, followed; and the same year the queen gave birth to a prince, afterwards James VI.

The notorious Bothwell then rose into favour, and acquired an ascendancy over the mind, and gained the affections of the queen. Soon after, in consequence of a secret correspondence into which he had entered with the court of Rome, a *nuncio* was sent from the Pope, with a present to the queen of 20,000 crowns. But in consequence of the anarchy in which Scotland was then involved, he remained at Paris. On the following year Darnley was murdered, of which crime the

queen and Bothwell were both suspected. The latter was tried but acquitted by the peers. In order to render himself popular, he persuaded the queen to sanction a law in favour of the reformed religion, on which he prevailed upon the nobles to recommend himself as a husband to the queen. He soon afterwards assembled his followers, seized upon her person near Linlithgow, and carried her as a prisoner to his own castle at Dunbar. But it is evident that this apparent act of violence was concerted between the queen and that nobleman. He obtained a divorce from his wife on the plea that she was his cousin, and that he had therefore been living with her in adultery.

He then conducted the queen from Dunbar to the castle of Edinburgh, of which he was the governor. He received a pardon for high treason and other crimes, and was immediately after created Duke of Orkney. In May, 1567, he was married to the queen according to the Protestant form by the Bishop of Orkney, who had renounced the Catholic worship; and they were privately married on the same day according to the Popish ceremonial.

Foreign courts and all foreigners branded the Scottish nation with the infamy of allowing their queen to marry the murderer of her husband three months after the commission of that atrocious crime. Argyll, Atholl, Glencairn, Boyd, Maitland, her former secretary, and several of the principal nobility, formed a confederacy against the queen and Bothwell, in order to preserve the young prince. The queen and Bothwell retreated to Dunbar: the latter who had assembled his troops fled from the field, and Mary, without hazarding a battle, surrendered to the

nobles. She was then conveyed to the castle of Lochleven, and compelled to resign the government. The infant prince was immediately proclaimed and crowned as James VI., and Murray chosen regent of the kingdom. Bothwell turned pirate. He was subsequently captured by the Norwegians; and after an imprisonment of ten years he died mad.

The queen escaped from Lochleven Castle, fled to Hamilton, and in a few days her followers amounted to 6000, under the command of the Hamiltons; but they were attacked and routed by the regent's forces at Langside. Mary escaped, and rode, without halting, seventy miles south to the abbey of Dundrennan, in Galloway, from which she fled for protection to Queen Elizabeth; who, instead of aiding and receiving her with kindness and hospitality, perfidiously confined her as a prisoner.

On the following year the regent Murray was murdered by Hamilton, of Bothwell Hall. His administration was vigorous, impartial, and just; and "he was," says Robertson, "frequently remembered among the commons by the name of 'the Good Regent.'" The queen's party, immediately after his death, obtained possession of Edinburgh, and they endeavoured to gain the consent of the nation to declare war against England. But the confederate lords joined a force of 1000 foot and 300 horse, which were marched from England into Scotland, attacked and defeated the queen's party near Glasgow, and plundered the country of the Hamiltons; after which they marched to, and entered Edinburgh. Lennox, the father of Darnley, was elected regent;

and Dunbarton Castle,¹ the only fortified place which had been retained by the queen's troops, was captured, and Hamilton, Archbishop of St. Andrew's, was taken from that stronghold, carried to Stirling, and with scarcely the form of a trial, condemned to death, and immediately executed. Factions continued to divide the kingdom. Each party held its parliament; "king's men" and "queen's men" being their terms of distinction. The queen's faction held a parliament at Edinburgh, and the king's at Stirling. The latter town was taken by surprise, and the regent killed. Mar was elected in his stead. Daily skirmishes followed. But Mar died soon after, and Morton, who was supported by Queen Elizabeth, was elected regent, being the fourth who had been entrusted with the administration of Scotland in the short space of three years. A new constitution for the Reformed Church was then completed, under the superintendence of John Knox, in which the titles of archbishop, dean, chapter, &c., were introduced; and an Archbishop of Glasgow, and a Bishop of Dunkeld, were chosen from among the Protestant ministers, and admitted as such into the parliament. Knox died in November of the same year.

The castle of Edinburgh, with the queen's forces, were captured in 1573, and Kirkcaldy, the governor, and his brother, were both executed at the cross of Edinburgh. Maitland, who had been the faithful secretary of the queen, committed suicide. Factions continued to distract the kingdom; the animosities between the regent, Morton's party, and the Hamiltons, were terminated by the trial and the exe-

cution of the regent, in 1581. Anarchy still continued to prevail. The barons rendered all orders impracticable. The ministers, in their enthusiasm against Rome, preached sedition throughout the kingdom, and denunciations against the Crown. The young king was seized by a band of conspirators who were favoured by the clergy, but he was released by the Lords of the Articles, and by the parliament which met in 1584.

CHAPTER XIII.

REIGN OF JAMES VI. IN SCOTLAND.

THE condition of Scotland, when James VI. assumed the government, was probably more deplorable than at any former period of its history. The king, by the advice of Melville and his other wisest councillors, was induced to act with moderation towards his powerful and turbulent barons, who were not easily to be reduced to humility and loyalty. Captain James Stewart, an unscrupulous adventurer, acquired a complete ascendancy over the king, which was extremely offensive to all the courtiers; and the arrogance of that favourite, who was created Earl of Arran, disgusted many of those who were most anxious to maintain the honour and the authority of the Crown. Arran persuaded James to issue a proclamation against all those who had been concerned in a conspiracy, known as the "*Raid of Ruthven*;" and they were commanded to confess that they were guilty of treason in terms of abject humility. The king, on that condition, promised to grant them a full pardon, provided their future loyalty and demeanour justified this act of mercy. But those conspirators placed no trust in the word of a youthful king, who had allowed himself

to be guided by a minister like Arran; an upstart, without honour, decency, wisdom, or morality. The conspirators also received the open countenance of Queen Elizabeth. She even reproached James, by letter, with a breach of faith in admitting to his favour and confidence the perfidious and ferocious Arran. It must, however, be allowed that, in this instance, James replied with spirit and dignity.

A convention was held in December, 1583, the members of which were persuaded by the intrigues of Arran to declare the conspirators of the "Raid of Ruthven" guilty of high treason, and they agreed to aid the king in prosecuting and punishing those fugitive lords who refused to surrender themselves in accordance with the royal proclamation. Nor could they with any confidence or prudence surrender to the king while they knew that their lives would be in the power of Arran, whose revengeful spirit would scarcely be satisfied with a milder punishment than their immediate execution. Meanwhile the Scottish clergy countenanced the conspirators, and they also declared their determination to exterminate the episcopal order. Drury, one of the ministers of Edinburgh, defended the "Raid of Ruthven" in his sermons. The king deprived him of his charge. Another minister, Andrew Melville, was summoned before the privy council, and accused of having, in a sermon preached at St. Andrew's, compared the grievous state of the nation with that in the reign of James III. He contended that the Presbytery, of which he was a member, had alone the right to make him account for expressions in the pulpit, and that neither the king nor his council had the power of

interfering with the doctrines preached by ministers, without transgressing the rights of the Church. This assumption on the part of Melville was the same as that which the Romish ecclesiastics had always contended for.

James, from the first, entertained high ideas of royal prerogative, and he resolved to punish Melville for his audacity in claiming so dangerous an exemption from both the civil power and the royal authority. Melville, who was a man of great learning and zeal, and who, after the death of Knox, had acquired high reputation and great authority over ecclesiastical affairs, fled to England; and nearly every preacher in the kingdom accused the king in their sermons of depriving the Church of a most able and learned minister, and a most faithful defender of religious liberty. The people accepted with delight the violent denunciations of the ministers against the court. Gowrie, one of the conspirators, having accepted a pardon, repented afterwards, and agreed to join Angus, Mar, and Glamis, who had seized the castle of Stirling. But they were resisted at Dundee, and the conspirators suspected that they were betrayed by Gowrie. They fled before the king's forces; and Gowrie, being summarily tried by a jury, was declared guilty of high treason, and beheaded at Stirling.

A parliament was held by the king for the purpose of humbling the Church, which the king and Arran considered practicable during the absence of the numerous barons who were banished from, or fled out of the kingdom. The Lords of the Articles were sworn to secrecy in drawing up the acts against the clergy; and laws were passed by this parliament which en-

tirely subverted the discipline and the constitution of the Church. By those acts it was declared, that to deny the jurisdiction of the privy council, to claim any exemption from trials in the civil tribunals, and to attempt to encroach on the rights of the three estates of parliament, would amount to the crime of high treason. It was further declared, that any civil or ecclesiastical assembly without the king's licence, and all false or scandalous reports, spoken or written, privately or in public, either in speeches or sermons against the king, his ancestors, or councillors, were to be adjudged capital crimes. Those laws, in accordance with ancient custom, were proclaimed at the cross of Edinburgh. The minister of St. Catherine's, who was also a Lord of Session, protested solemnly against them as having been passed without the knowledge or approbation of the Church.

The pulpits and ecclesiastical judicatories of Scotland were esteemed sacred by the Reformed Church, in which a power was vested of censuring and admonishing without restraint. The clergy had been reduced to indigence by the avarice of the barons; and by the recent law they were deprived of that power which they derived from their preaching, and the respect which was generally accorded to them by the people as ministers. The clergy of Edinburgh fled to England, and the principal ministers in other parts of the kingdom followed their example. The people became not only enraged against Arran, but a belief soon prevailed that the king was an enemy to the Protestant religion.

James made the *art* of government, or that which he called "*kingcraft*," a chief object of his adminis-

tration. He was educated by the learned Buchanan; and the king acquired the pedantry without possessing the erudition of that accomplished writer, but credulous historian. Under Buchanan, who became a Protestant, James received those lessons which led him to profess the doctrines of the reformed religion. But there appears abundant evidence that he, in his system of kingcraft, laid down religion as subservient to the prerogatives which he arrogated in all matters of Church and State. He was also far more influenced by his fears than by his hopes in the policy, or rather the *conceits* by which he was actuated; and his expedients for meeting present exigencies were by procrastinating evils, instead of any skilfully arranged plan to provide for future difficulties. Being heir-apparent to the throne of England, it was necessary for him to court Elizabeth on the one hand, and secretly to countenance a formidable body of Roman Catholics, which still included probably more than one-half of the inhabitants of that kingdom. There also remained a strong faction of Roman Catholics in Scotland, who, with those of England, were encouraged to look for a re-establishment of the Popish hierarchy by Philipp II. of Spain and the Guises: all of whom argued the rights of the unfortunate Mary Queen of Scots as the object of their conspiracies and of their enmities against Queen Elizabeth.

James was incapable of forming or executing great designs; and being destitute of the bold resolution of a great ruler, he yielded first to one influence and then to another, or he acted rashly according to the impulses of his own uncertain sentiments. With

much cunning, his judgment was weak. Deeply read in the learning of the day, he was ignorant of the world. He had had no opportunities, except among the turbulent barons and vehement ministers of his own kingdom, to form any just estimate of the characters of mankind, or the intrigues of courts. His system of kingcraft was a compound of scholastic precepts, dogmatic theology, and mean cunning. The design or spirit of that *kingcraft* was to overreach others, in government and in negotiation, by mean cunning and by pedantic maxims of government, which his flatterers told him were as wise as the Proverbs of Solomon. He was vain of the profound wisdom of his kingcraft, which was in reality no more than a clumsy habit of dissimulation, feeble in its disguise, and yet perfidious in its practice and intention.

Queen Elizabeth, on the other hand, equally perfidious, conducted her schemes with great ability. Having encouraged the Protestants of Scotland, she was resolved to support them at all hazards as allies upon whom she might depend, either against the Guises or any invasion of England by Philipp II. King James being, even in his kingcraft, the dupe of Arran, she resolved, in the first place, to gain, and afterwards to ruin, that minister. She at the same time resolved to secure the friendship of James, by extinguishing the fears he entertained of being displaced in authority if his mother returned to Scotland. She thoroughly understood his character from the reports of her agents; and she managed to have it indirectly conveyed to his ears that the sovereign power, which he now wielded, would be taken from

him if the queen, his mother, were allowed to return to her kingdom.

Circumstances favoured the designs of Elizabeth. There is no doubt that numerous conspiracies were planned against her throne and her life by the Catholics, by Philipp II., and by the princes of Lorraine. It is also true that conspiracies were announced which had probably no other foundation than to impress on the public mind the dangers to which her throne, her life, and the Protestant religion, were exposed. Among the most remarkable of these probably false plots was that in which Francis Throgmorton, a gentleman of Cheshire, was accused of being a confederate. The barbarous proceedings against him confirms the despotism of Queen Elizabeth; and horrid cruelties were practised on him, under circumstances where the grounds of suspicion of treason were contemptible. There was no other proof discovered, on his being arrested and accused, than two papers which were found upon his person. One of these contained the names of the principal harbours of England, with their position and depth of water; the other was a list of the principal Roman Catholics in the kingdom. He fearlessly declared his innocence, and asserted that those papers were forgeries, drawn by the queen's spies or ministers, to inveigle or terrify him.

He was, however, put to the torture, and endured the excruciating rack for the first time with the most resolute courage, and without confessing any of the charges of which he was accused. On being

about to be subjected a second time to that horrible torment, his fortitude gave way, and he confessed that he corresponded secretly with the Queen of Scots; that the Guises, the Pope, and Philipp of Spain had decided upon invading England; that the first was to supply troops, and the two latter to advance money; and that the Catholics and the exiles abroad had entered into the conspiracy. But it would appear that this statement was a pure invention, in order to avoid further torture. On his trial he retracted all he said; but sentence of death being passed on him, he, in expectation of pardon, declared that all he had said was true; but as it was considered impolitic to let him escape, as he could afterwards probably disprove the charges against him, he was ordered to be executed; and immediately before his death he declared that he was innocent, and that all he said with regard to the invasion and conspiracy was untrue, and extorted from him by the terrors, first of the rack, and afterwards of an ignominious execution. Many circumstances which existed at the time go far to prove the innocence of Throgmorton.

Soon after his execution, Elizabeth proceeded to re-establish her influence in Scotland. Her secretary, Davidson, was sent as a minister to accomplish that object. He immediately gained Arran, who, being detested by the barons and the people, held his authority on the uncertain favour of a youthful king. Elizabeth was now as anxious to prevent the marriage of James, as she was formerly opposed to that of his mother; and Arran promised, that he could prevent James from marrying

until he had first obtained the consent of the Queen of England.

Elizabeth had thus acquired full influence over the king and his favourite, although she had protected the banished lords of Scotland and their adherents. James and Arran, however, attainted those lords, and the king rewarded his own faction with grants of their property. Arran and his connexions received the greater portion. James and his minister, at the same time, proceeded with extraordinary rigour against all ministers, professors in colleges, and readers. They were required to subscribe within forty days an approval of all the acts of the last parliament regarding the Church. Those who refused were deprived of their small stipends; some were committed to prison; and numbers fled from the kingdom. Those who had subscribed were accused by the nation of being actuated, not from conscientious principles, or honourable motives, but by ambition and selfish objects; while those who had resisted the Crown acquired the public applause, and the support of the nation.

James was at this time flattered and cajoled, not only by the profligate Arran, but by a courtier of great address and accomplishments, and who was equally destitute of moral principles, religious conviction, or the honour of a gentleman. This person was the Master of Grey. He had resided in France, and was initiated in all the graces and intrigues of that court. He was a confidant of the Duke of Guise; and having renounced the reformed religion, he professed the most enthusiastic zeal and gal-

lantry for the captive Queen of Scots. He carried on a secret correspondence with her, and both she and the Guises expected great benefits from his services. Of those intrigues James was utterly ignorant. Grey returned to Scotland, attended the court, and gained the king's heart by his address, elegance, and dexterity. Arran soon became jealous of this person, intrigued to remove him from the presence of James, and recommended him as the most able minister who could be sent from Scotland to induce Elizabeth to withdraw her protection from the exiled Scottish nobles.

Elizabeth was well informed of the real character of Grey. She flattered his vanity and other passions, and lavished on him presents of money, which maintained his luxury and his extravagance. Grey, in fact, sold himself to the Queen of England, and acted in the diabolical capacity of an informer in regard to the Scottish queen, as he still continued to extort secrets from her by his hypocritical assurances of friendship. Instead, therefore, of fulfilling the objects of his mission as an honourable ambassador, he fell into the plan of Elizabeth of governing Scotland by corrupting both the king and his courtiers. He, however, had gained one object of his mission to England, in which the king not only rejoiced, but by which Grey completely gained the heart and confidence of James. This was the removal of the banished lords from the north to the centre of England, which prevented them from corresponding with their partisans in Scotland.

A fresh conspiracy against Elizabeth was an-

nounced, and it was pretended that its discovery was made by an accident. A vessel which left Flanders for Scotland was chased by some pirates; a Jesuit of the name of Crichton, who was on board, terrified at their approach, tore some papers which he had about him into small pieces, threw them towards the sea, but being blown back into the ship, they were picked up by some of the passengers, carried to London, and delivered to the clerk of the privy council, who joined them together, and it is pretended that they contained an account of a plot formed by Philipp II. and the Duke of Guise for the invasion of England.

The Queen of Scots was, as usual, implicated in this as well as other conspiracies; and she was consequently committed to the care of more severe keepers than the Earl of Shrewsbury.

This occurred immediately before the appearance of Grey at the court of England. Arran, however, continued to hold the posts of highest honour, most extensive power, and greatest riches, under a prince who seemed to set no bounds in the confidence which he conferred on his favourite minister. The highest and most responsible office—that of lord chancellor—had been conferred on Arran, although he was ignorant of law and regardless of justice. He, *ex officio*, presided in parliament and in the Court of Session, as well as in the privy council. He was governor of the two castles of Edinburgh and Stirling, lord provost of the city of Edinburgh, and lieutenant-general over the whole kingdom. No one could either obtain a favour or be presented to the king without the permission of a man arrogant and intolerant by nature,

and holding such unexampled power, without merit, virtue, or abilities. His wife was equally immoral and vicious.

As a judge he was not only corrupt, but he committed many scandalous crimes. The estates of the Hamiltons and those of Gowrie were bestowed on him, and he invaded and seized parts of the lands of the other nobility. His informers were distributed over the whole kingdom; he destroyed the common hospitality of the country, by rendering each man suspicious of his neighbour; and he involved the nobility in quarrels, which disturbed the public tranquillity. Any one who received a letter from the banished lords, about private affairs, were severely punished. The two Homes—David and Patrick—were for no other accusation executed. Cunningham and Douglas were put to death as traitors, on a charge of corresponding with the banished lords, which the accuser afterwards acknowledged to be a mere invention of Arran.

The time had now arrived when Elizabeth, being informed of the general indignation entertained by the Scottish nobility against the royal favourite, resolved to extinguish the power and fortunes of that dangerous minister. She well knew that he continued to correspond secretly both with the Queen of Scots and the Duke of Guise. Elizabeth was also persuaded that it was her interest to protect the banished lords, as those upon whom, in the event of any difficulty or rupture with Scotland, she could most confidently depend. She despatched two ministers, Wotton and Belenden, to the court of James. One object of their mission was to restore the banished lords to their

country, and to obtain for them the clemency and pardon of James. An accident facilitated the accomplishments of this object. In a border fray which arose between the two wardens of the English and Scottish marches, the Earl of Bedford's eldest son, Lord Russell, was killed. It was insisted upon by Elizabeth that his death arose from an intrigue of Arran to involve England and Scotland in war. She demanded that Arran and Kerr, the Scottish warden, should be delivered up to her. This was refused; but James found himself under the necessity of confining the one at St. Andrew's, and the other at Aberdeen. The English ambassadors then endeavoured to procure the favour of the king towards his exiled subjects; but Arran being taken again into favour, urged the necessity of placing the kingdom in an attitude of defence.

Grey and Maitland, aided by Belenden, secretly obstructed his designs. Wotton's conduct towards the king was perfidious, for he had contrived a plot to carry him off by force into England, and he would, no doubt, have suffered capital punishment if he had not hastily escaped without leave from Scotland. In the mean time all the banished lords were, by Elizabeth's permission, allowed to return in a body to the north of England. Their friends and vassals rose to receive them as they entered Scotland, where they were welcomed as the saviours of their country. At the head of 10,000 men they advanced towards Stirling, the castle of which was defended by Arran. They encamped at St. Ninian's, surprised and entered the town, and on the following morning they invested the castle.

Arran had fled the night before, and the king was forced to grant them a pardon in the most plenary form for all offences, and the strongest forts in the kingdom were put in their possession as a guarantee for their personal security. A parliament met soon after, in December, 1585. Its majority consisted of the confederate lords and their friends. Their ancient honours and pardons were ratified. Arran alone was degraded from all his titles and honours. He was declared by public proclamation the enemy of Scotland, deprived of all the estates which were corruptly granted to him, and reduced to his former rank of Captain James Stuart. He fell from the highest dignity and power to the lowest of suffering and mortification, without the regret of a single friend, and hated by all who ever knew or heard of him.

This change in the government of Scotland may be considered a revolution; but it was one in which the Church obtained no redress of grievances; for however friendly the confederate nobles had professed themselves towards the clergy, the king had resolved to retain in force the laws which he had passed for limiting the ecclesiastical authority. A general assembly was held in April following. The Archbishop of St. Andrew's was declared by the Synod of Fife guilty of contempt of the decrees of the former assemblies in assuming the functions of a bishop, and on his refusing to admit the authority of their court, a sentence of excommunication was passed against him. The archbishop, in return, fulminated an excommunication against Melville and some other ministers. In this assembly the king contended for maintaining the title and office of

bishop in the Church. With considerable retrenchments, the assembly at last consented ; but the discipline and inspection of the lives and the doctrines of the clergy were in future to be confided to Presbyteries. In these the bishops were to have no other distinction than presiding *ex officio* as Moderators. In this assembly the Archbishop of St. Andrew's renounced all supremacy over the Church. A league, defensive and offensive, was shortly afterwards concluded betwixt Elizabeth and James, by which they were to make common cause with all their forces in defence of both kingdoms, and of the Protestant religion. But on the following year, Elizabeth having secured the confidence of the Protestants, Mary Stuart, Queen of Scots, was judicially murdered by a warrant, signed by the Queen of England, in virtue of a sentence for a crime which has never been either legally or equitably proved; and of which, if she were guilty, the laws of nature and the deprivation of her liberty would have morally and justly absolved her. James, on the death of his mother, affected resentment. Elizabeth dissembled and feigned sorrow; but the king, having attained his majority, forgot his anger: and Elizabeth resumed her state and magnificence. A Scottish parliament was then summoned, and the king attempted to reconcile the turbulent barons of his kingdom. In this parliament all the laws which had been passed in favour of the reformed religion were ratified and assented to by the king. The Church lands which had not been seized by the barons were annexed to the Crown. On the following year a solemn covenant was subscribed by the king, nobles, the clergy,

and the people for the defence of the faith; and by the nation at large for the defence of the king's person and government, in opposition to all foreign and domestic enemies. After the death of Mary, some of the Scottish nobles experienced a change of fortune. The Master of Grey was justly, and to the satisfaction of the nation, degraded from his employments, and banished for ever from Scotland. Captain James Stuart, the *pseudo* Arran, made a last attempt to acquire power by accusing Secretary Maitland and Grey of being accessory to the death of Mary; but he utterly failed, and the office of chancellor was conferred on Maitland, with all the power of first minister of the Crown. Negotiations had been set on foot for a marriage betwixt James and the eldest daughter of Frederick II., King of Denmark, but so ill-managed, or so fruitless were the measures taken by his ambassadors, that Frederick mistrusted James, and gave his daughter in marriage to the Duke of Brunswick. Elizabeth not only opposed the marriage of James with the eldest, but she also endeavoured to prevent the success of his addresses to the Princess Anne, second daughter of Frederick. James, however, persevered, although Elizabeth had managed to influence his council against the Danish alliance.

The marriage articles were finally agreed upon, and James having made splendid preparations, awaited her landing in his kingdom with great anxiety. The vessel on board of which she was, with the small fleet that accompanied her, were driven in a disabled condition to a port in Norway. James secretly equipped some vessels, and attended

by the chancellor and several noblemen, with a train of 300 followers, and without any communication with his council, he sailed in person, and arrived safely at Upslo, where he found his young bride. The marriage was there solemnised, but the season was so far advanced as to render it imprudent to attempt returning to Scotland; and he spent the winter with his queen at Copenhagen. This is the only act of James's life which partakes either of romance or gallantry.

On his return to his kingdom with his queen, he landed on the 1st of May at Leith, and was received by the nobility, clergy, and people with unanimous enthusiasm and loyalty. The coronation was soon after celebrated with rejoicings and magnificent pomp; but it is remarkable that no bishop was present, and that the crown was placed upon the queen's head by a Presbyterian preacher of popular celebrity.

Although Scotland at no period enjoyed greater tranquillity than during the king's absence, and as the reformed clergy had devoted themselves to the maintenance of order, James became more gracious in his manners towards them. A circumstance not in common, but which reflects upon the changeableness of the human mind and the infirmity of the body, occurred in the following year. The most arrogant of the hierarchical clergy, the most opposed to the Presbyterians, was Adamson, Archbishop of St. Andrew's. He was deprived of the revenues of his sees, in accordance with the act which annexed the remaining ecclesiastical lands to the Crown. In the infirmity of age, afflicted with diseases which became organic, in utter poverty, he turned Presby-

terian, and delivered a written recantation to the General Assembly. This confession was considered as the conscientious testimony of the force of truth over the errors of the most learned of the Catholic prelates of Scotland. Although the king was ever jealous of the royal prerogative, he wanted the dignity and ability either to enforce that assumption or to maintain domestic order within his realm. His clemency became the source of violent and fatal quarrels between the aristocratic families. Secret assassinations and open murders were so prevalent, that the peace of society was disturbed throughout the kingdom by the frequency of those enormities. If James had directed his mind with as much energy to the punishment of real crimes as to the fanciful error of witchcraft, he might have succeeded in maintaining tranquillity within his border. The king, the clergy, the barons, and the people, all believed in sorcery. It was even asserted that Bothwell* had employed the witches to raise the tempest which had driven the queen to Norway, and which had prolonged the visit of James at Copenhagen. That nobleman was consequently arrested and committed to prison. He escaped, and having raised a number of followers, he attempted to break into the palace of Holyrood, but not succeeding, he retreated towards the north, where he was pursued by Huntly; but the latter, instead of executing the king's commission, satiated his own revenge, killed the young Earl of Murray, the heir of the great and popular regent, despoiled his

* Francis Stewart, grandson of James V., and created Earl of Bothwell by James VI., his cousin.

grounds, and burnt his mansion. These atrocities roused the indignation of the people.

The citizens of Edinburgh assembled and insulted the king and his ministers. James was obliged to fly from Edinburgh, and to fix his residence for some time at Glasgow. Huntly had married the daughter of the Duke of Lennox; and although the former surrendered, it was so managed by the king and his father-in-law that he did not even undergo the formality of a trial. The king had at this time, by his lenity to Huntly, and also to the Roman Catholic faction of the aristocracy, and the chancellor had also, become hateful to the Protestants. Bothwell, although he had been odious to the people, on account of the accusation of his having brought witchcraft to the aid of his other criminal attempts, found refuge in remote parts of the kingdom, and was still, in combination with the enemies of the Chancellor Maitland, formidable to all but the clergy.

The Church, although it possessed but limited power under the laws, had acquired real authority over the kingdom, and James found it necessary to rescind, modify, or otherwise alter the acts of 1584, and to sanction an act of parliament for establishing the Church of Scotland under the simple form of a Presbyterian government, under a general assembly for the whole kingdom, with provincial synods, Presbyteries, and kirk sessions. The jurisdiction and discipline of the Church was also secured to the satisfaction of the clergy. Necessity, and not principle, induced James to accede to a system of Church government which was pervaded with a republican prin-

ciple, and with a spirit of freedom antagonistic to his high ideas of royal prerogative. The uncompromising language, the austere habits, and the uncourtly manners of the Presbyterian ministers at that time were by no means congenial to James as a king, or agreeable to him as a scholar.

Bothwell and all his adherents were attainted, but that ferocious and desperate baron very nearly seized on the person of the king at Falkland ; and he only failed by the timidity of his followers, and the activity of Sir Robert Melville. Other conspiracies followed. The clergy and the people were alarmed at these plots, as they attributed them entirely to the Popish faction. The Earl of Angus, on suspicion, was committed to the castle of Edinburgh ; Graham of Fintry was beheaded ; the Earls of Huntly and Errol were summoned to surrender to justice ; Angus escaped from prison, fled to the mountains, and was joined by Huntly and Errol, and several of their vassals, and by some other barons ; Kerr escaped out of prison ; the court was divided into two factions ; the one led by the chancellor, with the king's cognizance ; Lennox, Atholl, Ochiltree, and all who bore the name of Stuart, opposed the chancellor's faction, and they brought Bothwell, who was also of the Stuart family, back from the mountains. Their object was both illegal and desperate ; and confiding in the daring courage of that nobleman, they seized upon the gates of the palace and opened the way for him and his followers to the royal presence. James, who was alone, believed that he would be instantly assassinated, and called upon Bothwell to complete his treason by

slaying his sovereign ; but, instead, the earl fell upon his knees and implored the king's pardon, which, under the circumstances, was granted. But Bothwell still held him as his prisoner, and this savage traitor forced the king to grant a written pardon for all past offences, to procure its ratification in parliament, to dismiss the Chancellor Maitland, Glamis, and Sir George Home from his councils and his court. On which Bothwell, on his part, agreed to depart from the palace ; but he left it in the occupation of so strong a force as to prevent the escape of the king, or the admission of the chancellor's faction. A convention of the nobles, which was held soon afterwards at Stirling, and at which the king was present, declared Bothwell guilty of high treason, and absolved the king from every obligation which was extorted from him in violation of the sacred royal prerogative. The king, however, offered Bothwell a pardon if he would sue for it as an act of the king's grace and mercy, and then retire without delay out of Scotland.

Bothwell rejected these proposals with haughty disdain, and attempted once more to seize the king's person, but without success. General complaints followed against the king for his clemency in favour of the Popish barons. In 1594, Bothwell appeared unexpectedly at the head of 400 horsemen within a mile of Edinburgh. He pretended extraordinary zeal for the Protestant religion, great care for the king's honour, for national freedom, and joined in the popular horror of, and hatred against, Popery. The king, however, having promised the citizens of Edinburgh that he would immediately proceed against the

Popish lords, they rose and placed the city and neighbourhood in such a state of defence that Bothwell retired to Dalkeith, where he was abandoned by most of his followers. They were soon after declared guilty of high treason, and their estates and honours forfeited. Severe laws were also proclaimed against the Romish doctrines; but three of the Popish lords held out in a wild part of the kingdom. They were supplied with money from Philipp II., and surrounded with numerous armed vassals. James was in such a state of poverty that he begged for an advance of money from Elizabeth, in order that he might form an expedition to dislodge those lords. The king empowered Argyle and Lord Forbes to seize on the lands, the cattle, and the castles of the Catholic lords, who were soon joined by Bothwell; which proved his hypocrisy with regard to the Protestant faith. Argyle advanced against Huntly and Errol with 7000 men. The forces of Huntly and Errol were inferior in numbers, but well mounted with gentlemen from the southern counties, and they had also a train of field-pieces. The battle of Glenlivet was fought, and Argyle and his undisciplined Highlanders were defeated. James was enabled, by pawning his jewels, to march with a small body of troops towards the north, where he was joined by the several clans who had borne an hereditary animosity towards Huntly and Errol, and who had determined to revenge the death of their friends at Glenlivet. By these aids the Popish lords were finally driven out of the kingdom.

Tranquillity was for a time restored. Bothwell fled first to France, then to Spain and Italy, where he re-

nounced the Protestant religion, and in indigent obscurity passed a life of low debauchery.

In 1595 the faithful minister of James—the Chancellor Maitland—died; and a change in the administration then took place, chiefly on account of the pecuniary embarrassments of James, arising from the irregularity of his expenditure, and the extravagance of the queen. The taxes were imperfectly levied, and the expenditure worse managed. The revenue was far from sufficient to meet the demands on the treasury, and in order to repair the finances of the king, the management of the taxation and expenditure was entrusted to eight legal gentlemen, thence called *Octavians*. The powers with which these men were entrusted gave them in practice nearly the whole executive attributions of government. They constituted, without limitation, an irresponsible committee; they seized on every lucrative or honourable office; and they exercised a control which rendered the acts of every other minister almost impracticable. The whole country clamoured against them as absolute tyrants; and in order to render them *odious* to the nation, charged many of them with the *heinous crime* of apostacy to Popery. But they obtained a power of which they could not be easily deprived, and they certainly introduced an economy into the administration of the finances, by which, although they enriched themselves, they fully defrayed the expenses of the king and of the administration.

Among the other functions which the General Assembly of the Church assumed, was that of investigating civil questions affecting the state of the

kingdom. In March, 1596, the assembly laid before the king a plan for the preservation of religion and the security of the kingdom. In this plan they earnestly advised the king to apply the estates of the Catholic lords to the purpose of raising a fund to maintain a standing army to defend the country against Popish invasions, and to punish with rigour all who were suspected of being attached to the banished lords.

James, on the other hand, was anxious to mitigate the severities against those lords, many of whom had ventured to return secretly into Scotland. He summoned a convention of estates to deliberate on a petition from those lords, who had returned without leave from the sovereign, and who begged to be allowed to live privately at their own houses, on giving security for their dutiful behaviour. But the members of the last General Assembly, who had drawn up the recommendation of the king to confiscate the estates of the Catholics, inflamed the population throughout the kingdom by writing circulars to every Presbytery, in which they declared the country in imminent danger, and exhorted the ministers to rouse the people to assert their religious privileges and national rights; and to read from their pulpits *the act* excommunicating the Popish lords; and further, to excommunicate in their respective parishes, without the formalities of trial, all who were suspected of Popery.

The most eminent ministers in all parts of the kingdom met at Edinburgh; and without any authority either from parliament, or the king, constituted themselves "*A Standing Council of the Church,*"

with supreme authority to take care that the Church should be deprived of no privilege whatever. Under a more energetic and able prince this proceeding, which was both unprecedented and illegal, would have been adjudged and repressed as an open rebellion against the royal prerogative. But in the opinion of the Scottish nation, and especially of the clergy, this assembly, with all its lofty pretensions, were justified by his pardoning the *noble conspirators*; by his attention to Lady Huntly, who, as well as her husband, professed the Romish faith; by his placing his daughter under the care of the Catholic Lady Lillingston, and by his want of respect in conversation for the ministers of the Scottish Church.

David Black, of St. Andrew's, accused the king of treachery of heart, merely for his clemency to the Catholic lords; and he denounced all kings as "the devil's children." He asserted that Satan had the guidance of the Scottish court; that Queen Elizabeth was an Atheist; that the Scottish judges were bribed miscreants; that the privy council were cormorants, without any religion; that all the nobility were degenerate and godless men;—and he introduced into the prayer for the queen the words, "We must pray for her for fashion's sake, but we have no cause, as she will never do us good." This zealot was summoned before the privy council; the clergy espoused his cause, pretending that the king had usurped that ecclesiastical jurisdiction to which alone belonged the right of judging the truth or falsehood of doctrines preached from the pulpit. The king's uncertain conduct, the unreasonableness

of the clergy, and numerous intrigues, prolonged these discreditable proceedings. Black was condemned by the privy council to retire from Edinburgh, beyond the river Spey. The citizens of Edinburgh were every night under arms, and kept a strong guard round the houses of their ministers. The king, who was accidentally at the Tolbooth, where he had refused to listen to a petition from the ministers, found himself under the necessity of shutting himself within its walls; the whole city was in a state of tumult; the mob outside cried, "Bring out the wicked Haman, and bring us the sword of the Lord and of Gideon." But the ministers, foreseeing danger, prevailed on the populace to disperse, and the king was allowed to return to his palace. The next morning, however, he left for Linlithgow, with all his attendants, to which place he ordered the Session and all other courts to be transferred; and he commanded all the noblemen to retire to their respective districts, and not to return again till advised. On this occasion he certainly acted with promptitude and energy.

The clergy, however, not only maintained the contest against the royal authority, but they endeavoured to inflame the minds of the populace, and to prevent the nobility from retiring to their homes. They endeavoured to form an association, defensive and offensive, and to procure voluntary subscriptions for the maintenance of a league which would have involved the nation in a rebellion against the Crown. But they wanted a leader; and they accordingly wrote to Lord Hamilton that the people were moved by the word of God against

the king, for the indignities to which he had subjected the Church; that the Reformed religion owed to the piety and value of the Scottish nobles its triumphs over the errors and wickedness of the Romish Church; that many of the nobles were now prepared to take up arms in defence of their religion, and that the noble birth and religious zeal of Lord Hamilton made them look up to him as their leader. They beseeched him to come forward in their hour of need, and not to frustrate their hopes by a refusal. That nobleman, however, preferred the royal favour to the honour of being the leader of this attempted rebellion in the name of religion. Instead of replying to the letter of the clergy, he carried it to the king, who, enraged at this fresh contempt of his prerogative, ordered the magistrates of Edinburgh to arrest those ministers as incendiaries and disturbers of the public tranquillity. The magistrates being anxious for the king's return to Edinburgh, resolved on obeying his mandate, and the ministers, finding themselves unsupported either by the barons or the citizens, fled for safety towards England. The king and his friends or flatterers, having thus crushed an unsuccessful attempt at rebellion, immediately summoned a convention of Estates, when all those engaged in the late insurrection were declared guilty of high treason. Each minister in the kingdom was ordered to subscribe his submission to the king's authority, and to the tribunals in all civil and criminal proceedings; and the magistrates were empowered to commit summarily the person of any minister who should express in his sermons any disrespect-

ful reflections on his majesty's person or conduct. Ecclesiastical judicatories were prohibited to assemble without the king's sanction; it was also declared that no one could be elected as a magistrate of Edinburgh without the king's permission; and finally, the then magistrates were ordered to arrest and punish the leaders and the abettors of the recent insurrection. In case of non-compliance with this severe condition, the city was rendered accountable for all the penalties of treason against the Crown. It having been found impossible for the magistrates to enact the king's mandates, Edinburgh was deprived of all its privileges as a corporation, and its property was declared liable to all the penalties of high treason.

In a few days the metropolis of Scotland was without magistrates, ministers of religion, or courts of justice. Instead of being the heart and life of the kingdom, it became a city of despair and desolation. The flatterers of the king proposed utterly to destroy every house and edifice in Edinburgh, and to raise a gigantic pillar on its ruins as a monument to mark out to all posterity the crimes of its citizens, and the just vengeance of the king. The citizens at last appealed to Queen Elizabeth, who, with the Scottish nobles, at last prevailed upon James to withdraw the penalties of high treason against the citizens and the city of Edinburgh. The first condition was, that a large sum in money should be paid as a peace-offering, and the next, that they should for ever after be deprived of the privileges of electing their magistrates and their ministers. James now looking forward

to ascending in a short time the throne of England, resolved to prepare his way by reducing the ecclesiastics of Scotland to passive obedience, and to dependence both for their maintenance and the exercise of their religion upon the royal authority. At that time nearly all the Scottish clergy were in a state of indigence. They had no regular stipends. A few of those in the neighbourhood of Edinburgh, and some other places, were rather better provided with the means of subsistence, and all the others envied their comparative independence. Two general assemblies were held, in which the agents of James prevailed, and obtained a majority in support of the measures which were favourable to the king.

It cannot be denied but that those acts of James were arbitrary, and that they were conducted with intrigue and cunning. But it must be allowed that several of the acts of those assemblies produced many practical and laudable reforms. Rude practices which were previously either countenanced or persevered in were prohibited. Several undefined and obscure questions of discipline were abandoned. The excommunications pronounced by the Church were declared illegal. The patronage of the churches in the principal towns was vested in the king, and the convening of the general assembly was prohibited without the king's consent. So skilfully were those changes managed that they appeared to be voluntary on the part of the clergy, and they certainly conceded far more than James would have attempted to extort by force. The city of Edinburgh was subdivided into parishes—the num-

ber of the congregations doubled — the ministers were all appointed by the king ; and James continued during the remainder of his reign the Supreme Head of the Church. In a parliament which met towards the end of the year 1597, in which Lennox and other conspirators were restored to their honours and estates, James, anxious to introduce episcopacy into the Church-ritual, managed to prevail on the clergy to apply for the representation of that body in parliament. The abbeys and the priories had become the property of temporal peers ; and the few who still retained the title of bishop were reduced to poverty and held in contempt. The last general assembly had been induced to acquiesce in the king's views ; and on its being represented that the clergy were the only body who were unrepresented in the supreme court of parliament, they craved that, according to ancient custom, a certain number should be selected to have a seat in the national legislature. By a law of this session, it was enacted that the ministers whom the king should appoint to the vacant bishoprics and abbeys would be entitled to a vote in parliament. The clergy, however, as a body, held episcopacy in such abhorrence that they were ready to sacrifice their interest and the dignity which some of their number would attain, rather than accede to the king's policy ; and they suspected the sincerity of his intentions with regard to the Church. They also dreaded the establishment of a hierarchy which would, according to all historical experience, spread under various forms, and advance its domination over all the ecclesiastical affairs of the kingdom.

One of the leading opponents of episcopacy warned his brethren against the insinuating pretences of even the most limited hierarchical establishment. "Varnish over this scheme," said he, "with what colours you please; deck the intruder with the utmost art. Under all those disguises I see the horns of his mitre." It is remarkable how strenuously and consistently the leading ministers refused honour and power, and we cannot but admire the example which they gave at that time, and which was so frequently followed afterwards by the ablest ministers of religion in Scotland.

The law, however, which was enacted by parliament on the 17th of March, 1598, and which was assented to by the majority of the General Assembly, did establish a limited hierarchy. It was declared by the General Assembly that ministers might take a seat in parliament, that it would be highly conducive to the interests of religion and to the Church if they had representatives of the clergy in the national legislature; and it was thereupon resolved that fifty-one ecclesiastics — nearly the same number as those of the Romish Church, who formerly sat in parliament—should be elected as representatives to the legislature. In the year 1600 the king convened a General Assembly of the Church at Montrose. In this assembly it was agreed that they should recommend six clergymen to every vacant benefice to which was attached a seat in parliament; that out of those the king should nominate a person who should take that seat; and who was bound neither to propose or consent to any act which would affect the affairs of the Church, ex-

cepting in accordance with special instructions, and that for his conduct in the legislature he should be accountable to the General Assembly; submit to its censure on pain of infamy and excommunication without appeal; discharge the duties of minister in some one congregation; usurp no ecclesiastical jurisdiction beyond that of other ministers of the Church, and that his seat in parliament should be forfeited if the Church inflicted on him the censure of deprivation; that his commission as a representative should annually be resigned to the General Assembly, with whose and with the king's approbation the continuance or deprivation of his commission depended. This limitation not only rendered the civil power of the representatives of the clergy almost nugatory, but they were far from agreeable to the hierarchical authority which it was the policy of James to establish.

Tranquillity, however, seemed to prevail in the country; the barons appeared to have forgotten their animosities, and the clergy to have submitted with unusual grace to the authority of the Crown. But it was not in the nature of the Scottish nobility of the period to remain at peace. They were nearly altogether destitute of learning, accomplishments, and those courtly manners which prevailed in France at that period, and which began to acquire an ascendancy in the court of Queen Elizabeth. A plot against the king's life, known as the Gowrie conspiracy, and which to this day appears inexplicable, created some excitement in the kingdom: the more so as the two noblemen who were accused of forming this plot were better educated, more civilised,

and even more pious, accomplished, and popular than the rest of their order. They were even looked up to as examples of men of generous and youthful virtues, and worthy of the admiration of the other young nobles of the land. Many suspected some dark but undiscovered criminality on the part of the king himself; nor would it be easy on other grounds to account for the causes which had induced John Ruthven, Earl of Gowrie, and his brother Alexander, to attempt a crime so atrocious as the assassination of the king. It is true that their father, Alexander, Earl of Gowrie, was beheaded sixteen years before, but under circumstances for which James certainly could not have incurred the unforgiving hatred of the two young Ruthvens.

The account of this conspiracy as recorded may be briefly stated. In the month of August the king, as usual, resided at his hunting palace or lodge of Falkland. Early in the morning, on getting out to sport, Alexander Ruthven met him, and, as if imparting an important secret, said to the king that he had on the previous evening met a stranger of suspicious appearance alone, in a path near his brother's house, close to Perth; that he had searched him, and found under his cloak a purse filled with foreign gold; that he arrested him, and carried him to a neighbouring solitary house, where he now lay bound; and that he had thought it his duty to impart this fact first of all to his sovereign. James, suspecting the stranger to be a seminary priest sent from France or Spain to excite turbulence in Scotland, proposed that the magis-

trates of Perth should examine this suspicious person. Ruthven urged the king to ride at once to Perth, and to make the inquiry in person. The chase had just begun while Ruthven importuned his majesty to hasten away for Perth. The king, with twenty persons in his train, was therefore induced to proceed to the Earl of Gowrie's house, where he partook hastily of a repast; after which his followers were separated from him, and he was led through various windings into a small room, where, instead of a person resembling a seminary priest, there stood a man in full armour, holding a sword, and with a dagger in his girdle.

Ruthven drew the dagger from the girdle of the armed man, and pointing it at the king's person, said, "You remember how unjustly my father suffered by your command; now you're my prisoner, submit to me without resistance or outcry, or this dagger shall instantly avenge his blood." Ruthven left the king in charge of the man in armour, saying that, "If he made no outcry his life should be spared," and he then retired to bring in his brother. In the mean time the king's attendants grew impatient; they were told by one of Gowrie's servants that he had just rode away towards Falkland. They all rushed instantly out of the house, and called at once for their horses. Ruthven returned on discovering that the earl had sent away the attendants of the king; and swore to the king that he must now die—that there was no possibility of escape—and he proceeded to tie the king's hands. The king, who was unarmed, resisted the hold of Ruthven, whom he had forced towards a window,

which he persuaded the man in armour to open, and called loudly to his attendants, who were still in view, exclaiming, "Treason!—treason!—help!—I am murdered!" They immediately rushed back to save the king's life. Lennox and Mar, with several others, rushed up the great staircase, but finding all the doors shut, were stopped in their progress; but Sir John Ramsay, who had some knowledge of the house, found his way up a back staircase to the room where the king was, and the door of which was open. He instantly seized upon Ruthven, with whom the king was struggling, plunged a dagger twice into the body of the assassin, and threw him down near the head of the staircase, where he was despatched by Sir Hugh Herries and Sir Thomas Erskine. He repeatedly exclaimed, "Alas! I'm not to blame for this action." The man in armour escaped unobserved.

Meanwhile, the Earl of Gowrie made his appearance, followed by several of his attendants, armed with drawn swords. The king's attendants screened him in a small room, and, although inferior in numbers, attacked Gowrie, who was thrust through the heart by Sir John Ramsay, and fell instantly without expressing a word.

The Earl of Gowrie was Provost of Perth, where he and his brother were exceedingly beloved. The citizens instantly rose in arms, surrounded Gowrie House, insulted the king with scurrilous language, and threatened revenge for the death of the Ruthvens. They suspected the king and his attendants of a dark conspiracy to carry off those noblemen, and they would not believe that two young men so

virtuous, so amiable, and so popular, could at any time, or under any circumstances, have contemplated, much less executed, so foul a crime. It also appears improbable that the object of the Ruthvens was to revenge their father's death.

James was at the time of the execution of Alexander, Earl of Gowrie, almost in his youth, and almost powerless; and he had even conferred benefits upon the children in acknowledgment of the injustice done to the father. It was further stated that there were found in young Gowrie's pockets a parchment bag filled with magical characters and inscriptions of enchantment. "While he had these," said those who were present, "the wound of which he died bled not, but as soon as they were taken away the blood gushed out in great abundance." The king having at length appeased the citizens, he returned in the evening of this bloody and unaccountable day to Falkland.

All the researches which were afterwards made—the torture and confessions of the notary Sprott, who was afterwards hanged, and the real and pretended letters of Logan, have not dissipated the obscurity and doubt which hangs over the Gowrie tragedy. Many suspected that the Ruthvens were instigated by the agents of Queen Elizabeth to murder the King of Scots, and that the Earl of Gowrie, who was descended from ancestors long allied to English interests, and powerful and beloved in Scotland, might therefore become the successor to the English crown. He had been to the court of France, was intimate with the queen's ambassador, and she treated him on his return through England from

that country with marked courtesy and admiration. But, however much she might and did hate her legitimate successor, his death would have endangered rather than have strengthened her power, as it would have left to Catholics, as legitimate heirs, all rights to the crown. It may also be remarked that, notwithstanding the industry with which the account given by James of the Gowrie conspiracy was circulated throughout the country, it was disbelieved in Edinburgh by the clergymen of that city; and a host of their associates maintained a similar disbelief, suspecting the king as the fabricator of the story rather than that Ruthven would have contemplated such a crime. They were, however, all but one—Robert Bruce—prevailed on to admit their belief in the truth of the attempt on the king's life. Bruce stood high as a minister, and the king was unable to gain him over further than to say that he "reverenced the king's account of the treachery, but he could not persuade himself of the truth of it." He was, however, deprived of his benefice, and finally banished from the kingdom.

A parliament was immediately summoned. The dead bodies of the Ruthvens were brought before the assembly, and indicted for high treason. Their estates and honours were forfeited, the punishment of traitors were enacted on their dead bodies, and the surname of Ruthven was declared to be abolished for ever after. In order to manifest the national gratitude for Divine goodness, in miraculously saving the king's life, the 5th day of August was to be annually observed as a day of public thanksgiving.

During the last two years of Queen Elizabeth's

reign, James secretly corresponded with her principal minister, Cecil, and with others at the English court; and through that able statesman he began to acquire an influence which it was difficult to restrain, and dangerous to encourage.

James, after the Gowrie atrocity, enjoyed tranquillity within his dominions, and he attempted, in the year 1602, to introduce some improvements and civilisation into the Highlands and Islands, which had been altogether neglected. The Highlanders retained all their natural fierceness, barbarity, and indolence. Rapine had become hereditary among the different clans, and they infested the low countries by continual depredations. James ordained that the chief of each clan should cause all men residing on their lands to furnish security for good behaviour, and to forward a list to the king of all persons under their jurisdiction who were of a suspicious character, and to deliver them to justice. He also bound the heads of each clan to give hostages to the king for the performance of those obligations. Three towns were directed to be founded—Stornoway in Lewis,—Fort William in Lochaber,—and Campbeltown in Cantyre. But finding the inhabitants of those places disinclined to any kind of profitable industry, he sent a crew of fishermen from Fife to Stornoway, in order to establish the fishery in that commodious and convenient port. But so jealous were the islanders of those persons, whom they considered intruders, that they surprised them during the night, murdered some, and drove the rest from the island.

Queen Elizabeth died on the 31st of January, 1603;

on which James succeeded to the crown of England, and became the first sovereign of Great Britain. The power of the Scottish barons, which at all times restrained the royal prerogative, which had rendered life and property so unsafe in Scotland,—which had retarded the progress of agriculture, commerce, and manufactures,—was greatly enfeebled by the union of the two crowns. This event, which during the whole course of the seventeenth century prepared the nation for the union of the two kingdoms, was regarded as a degradation to the ancient independence and nationality of Scotland; but to it is due the progress, the civilisation, and the prosperity of that country.

The king had acquired almost absolute power over the government as well as the Church of Scotland on his accession to the crown of England. The dignity of the English bishops—the splendour, power, and magnificence of the Church established by Queen Elizabeth, over which the sovereign was supreme head, was so agreeable to the ideas of prerogative and majesty entertained by James, that he resolved to bring the Church of Scotland into complete conformity with that of England. The bishops of Scotland enjoyed neither ecclesiastical jurisdiction, fitting revenues, or pre-eminence among the clergy. He therefore had three Scottish divines consecrated in London as bishops. From them the Scottish clergy were to receive orders. Ceremonies in accordance with the English ritual were introduced into the Scottish worship, and the king, by divers acts, obtained the compliance of the Scottish clergy.

Previous to the accession of James there was but

little intercourse between England and Scotland, unless we except the Border forays. Nor did the intercourse between the courts of France and Scotland introduce to the latter either learning or refinement of manners. Even the imitations of French cookery, literature, and architecture, were rude and often ridiculous. The houses were inconveniently constructed, dirty, and wretchedly furnished. Even in the royal palace there was not a bedroom equal to those which are now considered necessary in the houses of ordinary tradesmen in the present day. The ancestors of the Buccleughs and Hamiltons were then not so comfortably lodged, nor so well fed, as most of their tenant-farmers are at the present day.

The manners of the Scottish nobility and gentry were turbulent and unpolished. The people, even after the Reformation, were superstitious and ill-educated. In their devotion they did not emulate the beautiful simplicity, brevity, and cheerfulness of the primitive Christians; but they all at once fled from the dramatic attractions of the Romish ceremonial to the opposite extreme of austere speech, sour manners, and canting phraseology. The ladies of Scotland received little education, and they had no opportunity of acquiring easy manners, graceful language, or elegant accomplishments. The wives and daughters of the nobility and gentry were haughty, proud, and ignorant, rather than fascinating, courteous, and intelligent. By the union of the two crowns they, however, soon acquired the same elegance, education, and accomplishments which, since the early part of the eighteenth century, have graced the ladies of England.

The state of learning in the Scottish schools, although instruction in reading and writing were instituted in most parishes, was remarkably deficient. The literature was ungrammatical, illogical, and without a fixed orthography, and consisted chiefly of theological treatises or narratives, in which fables, superstitions, and improbabilities, were mingled with facts. A few learned and scientific men had appeared; but it was not until the four universities, and the High Schools of Edinburgh and Glasgow, became distinguished for learning, that the illustrious divines of that kingdom graced the pulpits, and that historians and philosophers embellished literature and developed the sciences in Scotland.



CHAPTER XIV.

INDUSTRY AND TRADE OF SCOTLAND AT THE DEATH OF
QUEEN ELIZABETH.

UNTIL Edward I. captured Berwick in 1296, that town, which is now comparatively insignificant, was the chief mart of the foreign trade of Scotland. There was established within that shallow port a sort of Guild of Flemish traders. They held a factory in a strong edifice called Redhall, which they defended with great bravery. At that time Lanercost styled it "a second Alexandria—the wealth of which was the sea, the walls of which were its waters, and the citizens had been extolled for their pious donations to the monasteries." Alexander III. farmed the customs to a Gascon for 219*l.* 8*s.* equal to about 16,000*l.* of the money of the present day.

From Berwick were exported wools, woolfels, hides, salmon, and other products of the adjacent ports of Scotland. When Berwick was annexed to England, the salmon of the Tweed formed the most valuable article of export to London. According to Macpherson, the trade of driving cattle from Scotland for sale in England was at least as old as the fourteenth century.

In January, 1359, a letter of safe conduct was granted to Andrew Moray and Allan Erskine, two Scottish drovers, to buy or sell in England, or to proceed to the king's foreign dominions with horses, oxen, cows, and other goods and merchandise. The Scottish parliament at that time imposed export duties on the value of horses, oxen, and cows, driven out of the country to England. Among the articles imported in return for cattle were corn and malt. Notwithstanding the disorder which prevailed after the loss of Berwick, the inhabitants of the eastern coasts of Scotland persevered in carrying on some trade, occasionally of considerable importance, with the continent. Nor can it be denied that they unscrupulously and piratically plundered the foreign vessels which they met in the German seas. They were, however, plundered in their turn. In 1410 Sir Robert Umfraville sailed up the Frith of Forth, devastated the country on both shores, and captured as prizes "14 good ships," laden with wool and woollen cloths, wheat, rye, meal, wood, tar, pitch; besides which, he burned several vessels.* It is supposed that those vessels did not all belong to Scotland, and that some, if not most of them, were Flemish and other vessels. The staple for the Scotch trade was at Bruges; but it was removed by James I., in 1425, to Middleburg, from which it was transferred soon after back to Bruges. The Scotch wool was mixed with that of England in cloths made at Popering and Bell, in Flanders. The Scotch traders brought back, in return for their wools, mercery and manufactures of different kinds, carts with wheels, and wheelbarrows.

* Stowe.

After 1424 the Scottish statutes, instead of being, as before, written in Latin, were enacted in the Scoto-Saxon language.* By one act it appears that the returns of the Scottish merchants for their exports were defined by law; for they were compelled to bring back a portion of the value in harness or body armour, spears, swords, boxes, and staves; and one of the first laws not in Latin enacts uniformities in weights and measures. A navigation law was early established; and a departure from its enactments was only permitted, either by a new law or by license; and the people were forbidden to export their goods in any but Scottish ships. In 1428 it was enacted that, for a year after, goods might be exported in foreign bottoms when Scottish vessels were not to be found; and two years afterwards all persons under the rank of a knight, or with a less annual income than 200 merks, were prohibited from wearing garments of silk, or any which were ornamented with certain fine furs. During the same year we also find that the king imported various articles from London.† In 1435 the Bishop of Durham sold 30 fadders of lead, which was imported by permission of the English council into Scotland. It was also enacted that all who exported wool, hides, or other articles from Scotland, should bring back a proportion of the value

* In England the acts of parliament were engrossed in Latin until 1484.

† The king imported about 20 tuns of wine, 4 dozen yards of cloth of different colours, 12 yards of scarlet, 20 yards of red worsted, 1 hackney saddle, 1 lady's saddle with furniture, 4 yards of motley, 5 yards of black cloth, 5 yards of morrey, 12 yards of kersey, 12 skins of red leather, 12 bows, 8 dozen of pewter dishes, 1200 wooden bowls, a basin and font, 3 dozen coverlets, 2 square saddles. They were imported in a vessel belonging to London, with a protection against English cruisers signed by King Henry.—*Rhymer's Federa.*

in bullion, which was delivered to the Master of the Mint in Scotland for coinage. In the year 1357, the commercial towns of Scotland were Edinburgh, Perth, Aberdeen, Dundee, Inverkeithing, Crail, Coupar, St. Andrew's, Stirling, Wigton, Linlithgow, Haddington, Rutherglen, Lanark, Dumfries, and Peebles, which were compelled to give aldermen and burgesses as hostages to Edward III. It would seem that Glasgow had no commerce at that time. Before the year 1430, that city consisted of little more than a small village of low thatched houses, dependent upon the metropolitan cathedral. It would appear that its trade was commenced by Elphinstone, the younger son of a baronial family, who settled there about the year 1430, for the purpose of buying and exporting pickled salmon. In 1458 we find the Scottish parliament, like that of England, imposing various and absurd restrictions on commerce. It was enacted that no one was to go abroad to trade "unless he was of good credit, or had property consigned to him of the amount of three ser-plaiths, equal to 80 stones of wool; and unless merchants were aldermen or burgesses they were forbidden to wear silk, scarlet, or marten's fur; and that poor gentlemen living in the country, having estates of more than 40*l.* a year, of old extent, should dress as merchants."

The wives and daughters of merchants were ordered to be habited in a manner correspondent to their estate, with little hoods like those of Flanders; gowns with tails of becoming length; and not trimmed with furs except on holidays. Merchants were interdicted from wearing scarlet cloths. Labourers on their working days were to wear clothes of no colour

except grey or white; on holidays they might wear white, blue, green, or red. In 1467 all persons were forbidden to leave Scotland as merchants or traders except they were free burgesses, with residence in their burgh near their factories, nor unless the burgess was also a "famous and worshipful man, having at least one last of goods in trust or in property." Artisans or handicraftsmen were prohibited from trading, except under special license, and on renouncing their crafts without dissimulation or colour. In order to prevent ships putting to sea during stormy weather, they were prohibited to sail from the end of October till the beginning of February, and among the ports to which they were allowed to resort were Bordeaux, Rochelle, and those of Norway and Flanders. The clergy and nobility, however, were allowed to export their own goods, and import whatever they required, free of all restrictions; and the bishops and nobility were frequently engaged in trading for gain.

It would have been fortunate for the country if they had never been engaged in less pernicious acts. In the beginning of the fifteenth century we find mention of a richly laden ship, belonging to Wardlaw, Bishop of St. Andrew's, being captured by the English. The Duke of Albany was owner of a ship laden with 600 quarters of malt. In 1473 the *Salvator*, described as the best vessel ever constructed in Scotland, and belonging to Bishop Kennedy, was wrecked at Bambro', the cargo robbed, and the crew imprisoned. As a compensation, 500 merks were paid to the owners of the goods by the King of England.

James IV., in 1448, in passing an act of parliament, enacted that every merchant who exported wool, cloth, salmon, herrings, and some other articles, should bring back a certain amount of coin in return; and no foreign merchant was allowed to buy fish in Scotland till it was first salted and marked. The places of entry for foreign vessels, and which were called the free burghs, included the principal seaports on the east coast, and Dumbarton, Renfrew, Irvine, Wigton, and Kirkcudbright on the west.

Two vessels constituted the navy of James IV. They were called the *Flower* and the *Yellow Carvel*, which, according to Macpherson, were chiefly for war, and were well provided with arms and stores. They were under the command of Sir A. Wood and several officers; but Macpherson adds, "I cannot venture to affirm whether they belonged to the public, or were Wood's private property." James had, besides, as his naval captains, the two Bartons, Alexander Matheson, William Merryman of Leith—the latter called the "King of the Sea"—and several others. But it would appear that the ships which passed as the navy of Scotland were the private property of their respective commanders. That monarch was extolled for his anxiety to encourage navigation and trade, and especially to arm the commercial ships, to import foreign cannon, to buy foreign ships for war and trade, and to construct large ships at home. Mr. Tytler observes, that such was the interest which the king exhibited in the formation of a navy, that he often took short voyages for experiments, under his commander Sir A. Wood, or some of his other officers; mingled with the artillerymen, and frequently

discharged and pointed the guns, until he at length became well acquainted with the practices of navigation; and artisans and shipwrights from other countries flocked to his court with the desire to serve the king.*

In 1493, an act in the Scottish statute-books directed that ships and busses should be built at all the seaports for the fishery—none less than 20 tons; that they should be supplied with nets and all necessary articles; and that all idle persons in those towns should be compelled to serve on board of them.†

In wading through the Scottish statutes, we find the legislature constantly interfering with the freedom of industry and trade; and we find also the merchants and corporations insisting for protection—sometimes the one against the other—and both against foreign competition. In 1540 a law was passed which prohibited sending white fish beyond the sea, in order that foreign merchants should be forced to come and purchase them with gold and silver, or merchandise, from the freemen of the burghs.

James V., in 1540, with a fleet of twelve “stout” ships and three others, carrying 2000 men, sailed for the north-west coast of Scotland, landed at several islands, at which he carried off the chiefs as hostages for the obedience of their clans. The first known chart of Scotland and her islands was drawn from the surveys of this voyage by the hydrographer, Alexander Lindsay.‡ The Scottish mart at Camp Vere, in Zeeland, had there a con-

* “Tytler’s History,” vol. v.

† Another act of 1499, “anent the great and innumerable riches that is *tint* [lost] in want of ships and busses,” revives the above regulations.

‡ It was repeatedly engraved afterwards.—Macpherson, vol. ii.

servator of its privileges; merchants trading to Flanders were previously required to make a payment of 10*l.* Flemish, as a fine of admission; the goods of all others trading there were to be confiscated. Some Scottish vessels traded about 1580 to the Azores and the Canaries; the exportation of wool, salted meat, and coals was prohibited; home manufactures were to be encouraged, "that the poor might be better employed;" and persons not being landed proprietors, or not possessing 2000 merks scot, were subjected to heavy fines for wearing any article of dress of cloth ornamented, with gold or silver, velvet, damask, satin, lace, fringes, taffetas, or embroideries; and others under that rank or estate were also forbidden the use of costly spices, foreign drugs, and *confectionaries*. The importation of English woollens was forbidden; and various other fallacious acts were passed with a view to encourage, but which in practice fettered, industry and trade. When, in 1587, the burgesses sent members to the Scottish parliament, manufactures were ordered to be confined to the towns which sent those representatives. The barons were still permitted to export their own wool and other goods without paying customs, and to import clothes, wines, and other articles free of duty, if for their own use. Briefly, the commercial legislation of Scotland was in spirit, and generally in practice, intended for the benefit of the aristocracy and of particular burgesses. The money of Scotland was greatly debased. In 1529, James V. increased the alloy to one ounce in the pound troy. In 1571 it was increased to three ounces; in 1576 to four ounces; but in 1579 it was restored to the standard of one ounce.

HISTORY

OF

THE BRITISH EMPIRE.

BOOK I.

THE REIGN OF THE TWO FIRST STUARTS.

CHAPTER I.

REIGN OF JAMES I.—1603 TO 1625.

By the will of Henry VIII., which he had confirmed by an act of parliament, the royal family of Scotland was excluded from succession to the English throne. James Stuart, King of Scotland, was the legitimate heir. He was great grandson of Margaret, the eldest daughter of Henry VII. Elizabeth, although jealous to the last as to the person who would fill the throne upon which she had sat, with pride, dignity, and success, during a long and prosperous reign, was too prudent to leave her kingdom in a state of uncertainty with regard to the succession. On her death-bed she declared to her ministers that "no rascal" should succeed her; and being asked to explain what she meant by "no rascal," she exclaimed, "who should succeed me but my cousin James, the King of Scotland." She therefore, at least verbally, declared James VI., King of Scotland, the legitimate heir.

There was but one personage who could have

any pretence as a competitor. This was the Lady Arabella Stuart, the cousin-german of James, and both descended from Margaret, the daughter of Henry VII.* But no attempt in her favour was made; and James was proclaimed King of England, Scotland, France, and Ireland, early the same morning on which Elizabeth died; and before her death was otherwise published. The bells of all the churches were immediately rung,—bonfires were lighted at night in the streets,—and all London seemed overjoyed in the belief that the realm was to be blessed with the wisest monarch whom the world had seen since the days of Solomon. And young Carey flew off for Scotland, to convey the joyful tidings to the king. Elizabeth, whose voice would on the previous day have awed the kingdom, was by no one bewailed. Many were soon after undeceived; among others, some of those who had most faithfully served the late queen. James received the news of her death with an indecent ecstasy of joy. If he had been restrained in his prerogative in Scotland, he was now dazzled by a sudden vision of unbounded wealth and power in England.

A high opinion had been entertained in England of the character of James; and his "*Basilicon Doron*," and his fame for erudition and wisdom, heralded his advent to the throne of the Tudors. Besides, the nation had become wearied of Queen Elizabeth; and her most sagacious minister, Cecil,

* James I. acted barbarously towards Arabella Stuart. Her relative, young Seymour, son of Lord Beauchamp, also descended from Henry VII., became enamoured of her, and they married secretly. James imprisoned her. She escaped from the Tower, but she was afterwards retaken, and she died in the Tower four years afterwards. The conduct of James with regard to Arabella Stuart would alone be sufficient to fix an indelible stain on his character.

had prepared himself for the friendship and confidence of the new sovereign.

James was proclaimed King of England, Scotland, Ireland, and France, immediately after the death of Elizabeth; and he soon after prepared to leave Edinburgh to take possession of his new dignities. He committed the administration of Scotland to his privy council, and entrusted the care of his family to those barons in whom he placed the greatest confidence. On the Sunday before he left Edinburgh he attended at the church of St. Giles, where he heard a sermon very flattering to his vanity as a king; after which he rose and addressed the congregation,—promised that he would continue, unabated, his affection for his people,—that he would visit Scotland frequently,—that the subjects of that kingdom should ever feel that he was their native prince, as much when absent as when among them,—that he should always receive their petitions, and reply to them with affection, and without delay. Those professions were accepted with gratitude by an audience who felt real sorrow at his departure.

On the 5th of April, 1603, the king left Holyrood, accompanied by a magnificent suite, and on the following day he entered the city of Berwick. During his progress to London the principal nobility and gentry, as well as the people of each county, met him along the road; and he was entertained with several magnificent banquets at the houses of the nobility where he remained during the night. Although the English did not then lament the death of Queen Elizabeth, they could not forget her popular manners at her court, or in public,—in the

city, and during her progresses through the kingdom; and they naturally compared those of the new sovereign with the manners of the old queen. No two persons were more different in speech and in personal demeanour than Elizabeth and James. While the former exhibited an easy and captivating affability, which approached to familiarity with all to whom she spoke, she still knew how to maintain that dignity which inspired respect for her as a queen.

James was sufficiently familiar among his immediate courtiers; but he was of an indolent disposition,—awkward and uncomely in person,—ungraceful and inelegant in his address,—pedantic and spluttering in his speech. He was, therefore, unfit to render himself agreeable to large assemblies; while he on all occasions wanted that dignity of carriage, that gracious manner, that flexibility and ease of language and address, which are acquired only in well-bred society, and not in schools,—in the study not of books alone, but also in the scrutiny of the various shades of human character,—and by that power of discernment and judgment which almost instinctively estimates the real motives, conduct, and actions of mankind. Destitute, therefore, of the natural advantages of a handsome or manly person, of fluent speech, and of the graces, manners, and other accomplishments, as well as of the discrimination which good sense, and a knowledge of the world, will always inculcate on a justly regulated mind, James failed to make the favourable impression which was anticipated by the people of England. He even issued a proclamation forbidding a concourse of people at the places where he halted; and he did so

with bad taste and worse grace. For the pretence he made, of various inconveniences and the scarcity of provisions that would result, was in the first place insulting to their pride, and the second was a slander on their fortunes and means of subsistence; inasmuch as food was abundant in the kingdom, and especially in the mansions of the nobility. He was, however, flattered by the multitudes who met him, although he disliked every inroad which disturbed his ease. In conferring titles of honour Elizabeth was sparing; and when bestowed they were usually well judged. James distributed titles with unexampled profusion; and it is asserted, that within six weeks after his entrance into England he had bestowed on no less than 237 persons the dignity of knighthood.

But those and other titles were lavished so regardlessly of merit, and so indiscriminately, that they procured for him neither esteem nor friendship, but, on the contrary, impressed the nation with the opinion that his character was mean, or that many of the distinctions were corruptly obtained. His first act of government was not marked with prudence. He unwisely introduced to the English privy council several of the Scottish nobility; among others, the Duke of Lennox, the Earl of Mar, Lord Kinloch, his secretary Elphinstone, and Sir George Hume. The latter he created Earl of Dunbar; Hay he created first Viscount Doncaster and then Earl of Carlisle, to which titles were added a handsome fortune. Another of his courtiers, Ramsay, was created Earl of Holderness. Many other Scotchmen were suddenly raised to dignities, which were ill bestowed, and arrogantly enjoyed. George Hume,

Earl of Dunbar, was, however, a wise and virtuous man, and the declared favourite of the king.

James, on the other hand, acted judiciously, by entrusting the administration of the kingdom and his foreign relations nearly altogether to the ministers of Queen Elizabeth. He created her secretary, Cecil, first Lord Effingdon, then Viscount Cranbourne, and then Earl of Salisbury. Cecil became the king's chief counsellor and prime minister. Denmark, the Palatine, Venice, Holland, the Netherlands, and France, each sent ambassadors to congratulate James on his accession. The court of France sent as its representative no meaner personage than the Marquis of Rosni, better known as the great Sully, prime minister of Henry IV. During the life of Henry, James had no cause to be the least apprehensive of any invasion of his domestic peace from France. Sully proposed a league with his sovereign, in conjunction with Venice, the united provinces of Holland, Denmark, Norway, and Sweden. The ostensible object of this confederation was to humble the power of Austria and Spain. It was the good fortune of England that the dull and pacific genius of her king unfitted him to enter upon or conduct great undertakings. James declined to entertain the proposals of Sully; not from his sagacity with respect to future consequences, but from that indolence and love of tranquillity which induced him to shun the ambitious projects that were at the time submitted to him.

He was next solicited to aid in defending the united provinces; and although he had previously looked upon the revolt of the Dutch as a rebellion,

he, in deference to the feelings of the people of England—who entertained a common religious and patriotic interest with those of the Low Countries—agreed with Sully to lend his support, secretly, in concert with France, to the States-General. According to Sully's Memoirs, the treaty, which was conducted chiefly by James himself, stipulated that the kings of France and England should permit the Dutch to raise forces in their respective dominions,—that the king of France should provide Holland with 1,400,000 livres a year for the maintenance of the French and English troops,—that one-third of the sum advanced should be deducted from the debt due by the King of France to Elizabeth, and that both kings should defend each other against any attack from Spain.

Before the end of this year, Sir Walter Raleigh and others were accused of a conspiracy to place Arabella Stuart, of the family of Lennox, who was descended from Henry VII., and nearly related to James, upon the throne of England. This plot, if it ever existed, is involved in nearly as much mystery as the Gowrie conspiracy. But two priests, and Lord Cobham's brother, who were accused of being concerned in the conspiracy, were executed. Cobham himself and two others received pardon after they had laid their heads upon the block. Raleigh was reprieved but not pardoned, and he was sent to the Tower, where he remained for many years. The condemnation of Raleigh arose entirely out of an expression uttered by Cobham in a passion; but which he afterwards retracted. This Cobham was notorious as a person of mean under-

standing, and of no honourable feelings; and although his testimony was contradictory, Raleigh was denied the privilege of being confronted with his odious accuser. The name of Raleigh at this time was unpopular in England, from his having been the enemy, in the late reign, of Essex, the favourite of the people; and in order to court public admiration, one of the greatest of lawyers descended to the lowest vituperation against the most accomplished personage of the age. The manners of the time may be conceived, when we find that the attorney-general, Sir Edward Coke, renowned to this day for his "Commentaries on Lyttleton," was allowed in open court to use the most abusive epithets against the illustrious Raleigh, when on trial for his life, honour, and fortune, and when defending himself with eloquence, dignity, fortitude, and temper. The mildest terms of the commentator were "thou traitor," "monster," "viper," and "spider of hell."*

* *Raleigh* said, "If my Lord Cobham be a traitor, what is that to me?" *Coke*. "That he did was by thy instigation, thou viper, for I thou' thee thou traitor."—*Raleigh* replied "It becometh not a man of value and virtue to call me so; but I take comfort in it that it is all you can do." *Coke*. "Have I angered thee?"—*Raleigh*. "I am in no case to be angered." . . . *Raleigh*. "You have not proved any one thing against me by practical proofs, but all by circumstances." *Coke*. "Have you done—the king must have the last?"—*Raleigh*. "No, Mr. Attorney; he who speaketh for his life must speak last, and I appeal to God and the king on this point, whether Cobham's accusation be sufficient to condemn me?" *Coke*. "The king's safety and your clearing cannot agree. I protest before God I never knew a clearer treason."—*Raleigh*. "You do me wrong." *Coke*. "Thou art the most vile and execrable traitor that ever lived."—*Raleigh*. "You speak indiscreetly, barbarously, and uncivilly." *Coke*. "I want words sufficient to express this viper's treasons. Thou art an odious fellow; thy name is hateful over all the realm of England for thy pride; I will now make it appear to the world that there never lived a fouler viper upon the face of the earth than thou." . . . *Coke*. "Oh damnable Atheist!"—*Raleigh*. "I say that Cobham is a base, dishonourable, and poor soul." *Coke*. "Is he base? I return it into thy throat on his behalf."

The religious disputes between the Puritans and the Church induced the king to convene a conference at Hampton Court, in order to reconcile the Nonconformists to the Church. The Presbyterians had expected great relief from the accession of James, but they were grievously mistaken; for he was strongly biassed against them, as well as against those of Scotland, for their attachment to political and civil liberty, and to that religious freedom, which he designated republicanism.

As a theologian, the king hated men who would abridge his prerogative, dispute his tenets, and censure his conduct. The assembling of the Conference at Hampton Court was as imprudent and undignified as it was a pedantic and arbitrary act on the part of James. Speculative refinements in theology are always dangerous to a state; but when a king descends to frivolous disputes, in matters of religion, with his subjects, he raises his opponents to a dignity and importance among the people which may render them in no small degree dangerous as a faction. The Puritans at that time were not a distinct sect from the Church of England; and the Church itself retained the Calvinistic doctrines of predestination and grace. They were a party, and a powerful one, in the Church itself, and condemned the sign of the cross in baptism, bowing during the service to the name of Jesus, the use of the surplice by clergymen, and the ceremony of the ring in marriage. This formed the engrossing question of solemn argument between the bishops and dignitaries of the Church, and the leaders of the Puritans, in presence of the king and his ministers at Hampton

Court. The king inculcated the maxim, "No bishop, no king;" to which the Archbishop of Canterbury responded, "Undoubtedly his majesty spake by the special assistance of God's spirit." The king and the convention disputed and separated in mutual discontent.

Elizabeth suppressed the "prophecyings;" and James, on being required to permit the revival of those meetings, intemperately exclaimed, "If you come to a Scottish Presbytery it agrees as well with monarchy as God with the devil. If Jack and Tom, and Will and Dick, shall meet and censure me and my council, therefore I retract my former speech of *le roi s'avisera*. Stay for one seven years, and if you find me pursie and fat I may perchance hearken unto you; for that government will keep me in breath, and give me work enough."*

It would be superfluous to make those remarks on the king's political and theological sentiments, were it not that their effects on the minds of the Puritans afterwards produced consequences fatal to the Stuart dynasty.

A plague had raged in London and carried off 30,000 persons, or about one-fifth of the whole population. This pestilence delayed the meeting of parliament until the 19th of March, 1604. His speech on the opening of his parliament is far more remarkable for its erudition than for the wisdom of the king; but he frankly admitted a fault which he had promised to correct, and again professed a resolution which he had failed to observe during his whole reign. This weakness was the facility with

* Fuller's "Ecclesiastical History."

which he gave way to the influence of others, and which involved him in perplexities during the remainder of his reign.

A circumstance occurred during this session in the commons which invaded a great constitutional principle. In former parliaments, the chancellor occasionally issued new writs to fill the seats of members whom he considered unable to attend from sickness or any other cause.

This was a dangerous exercise of power, although it had been confirmed by parliament in the twenty-third year of Elizabeth. James, who at all times considered himself the schoolmaster of his subjects, introduced in the proclamation for summoning this parliament certain instructions regarding the elections that were evident infractions on the privileges of representation. On some charge of outlawry, the chancellor declared Sir Francis Goodwin, the member for the county of Buckingham, disqualified, and issued a new writ, under which Sir John Fortescue was elected for that county. The commons, however, reversed the decision of the chancellor, and declared Sir Francis Goodwin, and none other, eligible to take his seat as knight for that shire. James imprudently interfered. He advised that a conference should be held between the lords and the commons, in order to settle the dispute betwixt the latter and the chancellor. The commons refused to comply; and they resolved that no power but their own had any right to interfere with their own privileges.

To decide the dispute, James then ordered a conference between the lords and the judges, whom he

commanded "as an absolute king;" and added "that all their privileges were derived from his grace, and he hoped that they would not turn them against him." On the reception of this message the commons were alarmed, and one of the members stated that "by this course the free election of the counties is taken away, and none shall be chosen but such as shall please the king and council. Let us, therefore, with fortitude, understanding, and sincerity, seek to maintain our privileges. This cannot be construed in contempt, but merely from our desire for the maintenance of our common rights which our ancestors left us, and which it is but fit and just in us to defend." It was asserted by another member that the attempt might be called a *quo warranto* to seize all their liberties; while a third contended that a chancellor, by this course, might make up a parliament of what persons he pleased; and the question came to be whether the chancellor or the parliament ought to have the authority?

The commons now resolved to guard their liberties against all dangerous precedents, although, in deference to the king, they named a committee to confer with the judges before his majesty and the council, and agreed to setting both Goodwin and Fortescue aside. But they at the same time resolved that the issuing of a writ for a new election should not take place on the authority of the chancellor but by warrant of the house, on Goodwin giving his free consent to resign his seat.

Thus the commons, by their firmness, secured the right of being the sole judges of their elections and returns. They also established the power of punishing, as well the person at whose suit any member

might be arrested, as well as the officer who might arrest or detain a member of their house. The establishment of those privileges happily guarded during this reign the representatives of the nation in parliament from the dangerous encroachments of the royal prerogative. If James was less beloved by the English people than Queen Elizabeth, he was also less feared; and as he was sensible of his inferior personal authority, he seemed jealous only of his regal power. The absolute power which was exercised by Elizabeth he ascribed naturally to her royal birth and prerogative. He made no allowance for her extraordinary prudence, ability, and wisdom in administering a power nearly absolute. He considered the royal prerogative in his own person to be indisputably confirmed by hereditary and divine right.

This parliament attempted to relieve trade from the restrictions to which the commerce of England was subjected by the injustice of Elizabeth. The royal patents which still remained in favour of monopolies were abrogated by James. A committee of the House of Commons was appointed to inquire and report on the exclusive trading companies, which monopolised the commerce of the kingdom, and which were chiefly centralised in the metropolis. These corporate monopolies of the city of London were limited to about 200 citizens, out of a population of 150,000; and the proportion of the trade of the whole kingdom which they carried on, may be estimated from the fact that the customs of London yielded 110,000*l.* a year, while the customs of every other port in England produced only 17,000*l.* According to the report of this committee those 200

persons combined to raise the prices of commodities; and the effect of their monopoly was to diminish both the shipping and the seamen of the Thames. The commons endeavoured also to relieve the landed estates from the feudal imposition of wardships, by compounding for them with the Crown, in consideration of granting a permanent revenue. They also attempted to abolish the royal prerogative of purveyance, but in both they failed.

It was proposed at this time, and it would be happy for both countries if the project had been carried into effect, to unite the two kingdoms of England and Scotland under the same laws, parliament, and privileges. This proposal coming from the king, was viewed with suspicion by the English parliament; and it ended by merely appointing forty-four English commissioners to meet thirty-one from Scotland, in order to take into consideration the terms upon which such an union could be effected, with mutual security and benefit to both kingdoms. This parliament sat from the 19th March to the 7th July, when it was prorogued by the king in a speech which manifested great displeasure towards the commons, for not only refusing him any supply, but also for rejecting the bill sent down to them from the lords, for entailing the Crown-lands on the king's heirs and successors. A peace was this year concluded with Spain; and the king recalled all the letters of *marquë* which had been granted by Elizabeth. The merits of this peace James attributed entirely to his personal influence; for he asserted in his proclamation that, as King of Scotland, he lived in amity with Spain, and that his mere accession to the crown of England

without any treaty ended the war between the latter and Spain and the Low Countries.

He continually paraded forth his learning, and boasted of his wisdom, forecast, and cunning. But the erudition of James, now in the thirty-sixth year of his age, extended little further than the learning of the schools and the mysteries of theology; for he had scarcely any knowledge of public law, and still less of the political maxims and practices of foreign courts. His passion for hunting, his love for wine, his indolence, prejudices, and vanity, unfitted him for laborious application or dignified government; and in foreign estimation, England, during his reign, lost most of that high regard which was manifested by foreign sovereigns and statesmen during the reign of Elizabeth.

If the life of James were subjected to real or pretended plots in Scotland, attempts of the same description were not wanting in England. But none of those deserve notice, except that which is called the "Gunpowder Conspiracy," and which was intended to destroy both the king and the parliament. It was discovered either by design or accident; and the principal conspirators were afterwards arrested and executed, and many were on suspicion fined enormous amounts by the Star Chamber. Among others, the Earl of Northumberland was fined 30,000*l.*, and imprisoned for several years in the Tower. But although it was proved that the Catholics originated this plot, it is but justice to say that the conduct of James towards that body was moderate and generous. There is no doubt that his heart was fascinated by the attractions of the Romish

Church, although his learning and convictions had probably led him to adhere to the Protestant faith; and it is certain that both his title and his person were by no means so objectionable to the Catholics as those of Elizabeth. Although the rigour of her laws were considered essential by the Puritans, James, in the course of his reign, had gradually softened their severity.

The next parliament which met granted him a subsidy of 400,000*l.*; upon which the king prorogued both houses, with professions of friendship and gratitude to the commons.

The king and Sir Francis Bacon each made judicious speeches in favour of the union; but the attempt failed in the English parliament, although the king influenced that of Scotland so far as to consent to the annexation of that kingdom to the crown of England.

In 1607 a petition was moved in the lower house for a more rigorous execution of the laws against Popish recusants, and for a relaxation of the laws against Protestant clergymen, who declined to observe some of the prescribed ceremonies of the Church ritual. But the king ordered the commons to proceed no further in matters which concerned his prerogative. As James declined entering upon the affairs of foreign countries, his reign was chiefly occupied with questions of domestic policy. In the session of parliament which met in February, 1610, he expected a generous supply; but the commons, in which the Puritans exercised great influence, resolved, instead of granting him a large subsidy, to reduce, if possible, the royal prerogative. With regard

to the supply, although the king's necessities were urged by the new treasurer, Lord Dorset, and by the king himself, in a speech addressed to both houses, the commons granted him only one subsidy and one-fifteenth, which produced less than 100,000*l*. The parsimony of this parliament was not without precedent, but it formed the origin of that ill-feeling and contest between the king and the commons which was terminated only by the death of Charles I.

In consequence of the great amount of precious metals which flowed into Europe from America, the value of which were paid in commodities, the quantity of the latter given for the weight of the former produced what are usually considered high prices. Therefore, as the revenue of the Crown did not increase in the same proportion as the weight of the precious metals, the king became poor while his subjects became rich.

Luxury, and the style and manner of living, increased also with the riches acquired by manufactures, navigation, and commerce. While the king had no other resource than his hereditary revenues, it became evident that he could not increase the splendour of his court, or maintain the dignity of his rank, in a style which would correspond to support him suitably above that of his own subjects; nor could he maintain that dignity and magnificence which prevailed in the courts of the principal sovereigns of Europe, who all enjoyed large and independent revenues; and who, as absolute sovereigns, possessed the power of levying taxes at will upon their subjects.

A sovereign of greater administrative ability who would nominally have allowed the parliament all the

privileges which they demanded, and have even granted to them, in reality, that political and civil liberty which was their natural right, could easily have induced the commons to have generously provided a revenue sufficient for maintaining the royal dignity.

By the acquisition of alienated estates, and by the profits of trade, the commons of England became possessed of great wealth in land, houses, and money. The wealth and influence of the peers declined in proportion; and the power of the nation for practical purposes may be said to have become vested in the Crown and in the commons. It is however true, that if the king had possessed sufficient revenues independently of parliament, he might have continued to govern with nearly absolute sway. But from the commencement of the reign of James I., down to the present day, the constitutional power vested in the Commons' House of Parliament of originating all money bills, of levying taxes and voting money, has constituted the security of all our political, civil, and religious liberties.

James, unlike Elizabeth, did not, by prudent frugality, save the means which would have rendered him to a great degree independent of his parliament. The profusion and mismanagement of his limited revenue, and his ignorance of the arts of popularity, sank him into a position of dependence and indignity. He illegally, but not without precedent, attempted to increase his revenue by imposing high duties of customs, in virtue of his royal prerogative. Nor was this practice at the time disputed. The Crown lawyers argued, that although the king could not impose inland

taxes, he might at pleasure levy duties on foreign commerce. This power, however, was disputed by the parliament which met in 1610. The commons remonstrated against the alterations made by the king in the customs duties, on the grounds that the expedient might be applied more generally, and "even to the utter ruin of the interests of the kingdom, and the subjects' right of property in their land and goods." The commons then decided, in defiance of a direct "command from the king not to touch his prerogative," to pass a bill abolishing the increased duties of the customs.

In this parliament a determined opposition to all royal proclamations was manifested; although under the Tudors such proclamations were allowed to have the force of the laws. James admitted that, according to the constitution, a proclamation was not equal in force to the written law; but contended that the power of issuing a proclamation while no parliament was sitting, was a right inseparably connected with the Crown, and as indispensably necessary to restrain any mischief for which the Crown was not prepared to suppress by law. Formerly, when the interval between the sessions frequently extended to four or five years, proclamations for temporary purposes were common, and distinguished by the Crown lawyers from acts of parliament, by styling the latter permanent, and the former only as laws in force during the life of the sovereign.

This parliament attempted also to circumscribe the king's supremacy over the Church, and passed a bill providing that no ecclesiastical canons should be established without the consent of the legislature.

The House of Lords rejected this bill, but it was passed again the following session, and remonstrances were also made against the Court of High Commission, demanding its abolition; but James refused to comply. The commons again offered the king a settled revenue as a composition for wardships and purveyance; and he agreed to accept 200,000*l.* per annum; but the source from whence this sum was to be provided was not settled before the end of the session.* The king was highly dissatisfied with the commons, and he soon afterwards dissolved the parliament, which had lasted for nearly seven years. The notions of James with regard to the royal prerogative may be estimated from a passage in his speech, in which he begs for a supply from the commons. He says: "I conclude then the point touching the power of kings with this axiom of divinity—that is, to dispute what God may do is blasphemy, but what God wills that divines may lawfully and do ordinarily discuss; so is it sedition in subjects to dispute what the king may do in the height of his power." Hume, however, observes, that "the king's despotism was more speculative than practical; so that the independence of the commons was at the time the reverse, but too new and recent to found any schismatical principles and opinions." On theological matters James rendered himself ridiculous by remonstrating with the States-General against Vorstius the Armenian, a German professor in a Dutch university. The British Solomon made the dispute so far a question of State, that he at length induced the States-General to deprive Vorstius of his charge,

* The journals of this session have been lost.

and to drive him out of Holland. In his letter to the States-General he says, "that as to the burning of Vorstius for his blasphemy and atheism he left them to their own Christian wisdom, but surely never a heretic better deserved the flames." The Dutch were not in the practice of burning heretics, although it was still common even in the Protestant countries of continental Europe, and some were burnt in England during the present reign.

The disposition of James being in every respect pacific, the English nation looked up to his eldest son Henry as the person who would revive the ancient gallantry and martial spirit of the nation. That young prince was greatly attached to Sir Walter Raleigh, and lamented that the king, his father, "kept such a bird in a cage." But Henry died in the 18th year of his age. On the following year the king's daughter, the Princess Elizabeth, was married to the Elector Palatine. The marriage was not a fortunate one for James; but from that alliance has descended the present sovereign of the British Empire.

There are few acts of James which mark either the weakness, folly, or baseness of his character, more than the favours which he bestowed on Robert Carre, a youth of great beauty, and the son of a respectable Scottish family. He boasted that he would impart all his knowledge and experience to this boy, and by his lessons and instructions initiate him into the divine mysteries of kingcraft, and raise him in wisdom and understanding far above the wisest of his ministers. Carre, when only twenty years old, was knighted, and created Marquis of

Rochester, invested with the garter, made privy councillor, and some time after James confided in him as if he were his real prime minister.

Lord Salisbury, who, as Cecil, was the wisest and most sagacious minister of Elizabeth, and nominally the prime minister of James, could scarcely, by all his expedients, provide for the exigencies of government, in consequence of the profuse manner in which James enriched this favourite. When Carre was first taken in hand by James, he was ignorant of Latin, and almost destitute of all other school instruction. James at one time instructed him in grammar; and he would then enter with him into frivolous political discussions. This minion was fortunate enough to have for a counsellor Sir Thomas Overbury, who clearly perceived that preferment was now dependent not upon merit, but on the influence which Carre had acquired with the king. An affair occurred soon afterwards, arising from the separation of Lady Essex from her husband, which finally caused the ruin of the favourite. That lady, daughter of the Earl of Suffolk, was married to Devereux, Earl of Essex, when he was only 14, and she only 13 years of age. In consequence of their youth, it was arranged that he should travel on the continent for some years. On his return, after four years' absence, he found his countess the most beautiful and the most admired lady of the court. But she shunned his company; and although she was soon after constrained by her parents to attend him to the country, her aversion to him ended in a separation, and their marriage never was consummated. This aversion arose from her having become enamoured of the profligate

favourite, with whom she had lived in the gratification of guilt. Rochester having consulted Overbury about marrying the Countess of Essex, the latter, a man of great prudence and discretion, remonstrated against the match, warning him that the attempt to obtain a divorce, even if successful, would only enable him to marry a profligate and shameless woman, who, although married to a young nobleman of the highest rank, had prostituted her virtue. Overbury even threatened that if Rochester forgot his honour, that the friendship which had for some time existed between them must cease.

Instead of being guided by this wise counsel, the favourite repeated to his mistress the remarks of Overbury. Such was her influence over her seducer, that she induced him to swear vengeance against a man who was his sincere counsellor. James was weak enough, at the instance of Rochester, to commit Overbury to the Tower, where for six months he was prevented from seeing any of his friends. The king went further: he facilitated the disgraceful and obscene trial, in which, among other matters, the "fascination of witchcraft" was introduced in the charge, which ended in the divorce of Essex from his countess. As if the despicable king had not sufficiently degraded himself, he resolved that the adulteress, instead of losing rank by her marriage, should take precedence of many of the first nobility; and Rochester was immediately created Earl of Somerset. The criminality of this horrible woman was not yet complete, and she at last induced her husband and her uncle, the Earl of Northampton, to destroy Sir Thomas Overbury by poison.

Cecil, Lord Salisbury, the great minister of Elizabeth and of James, died on the 14th of May, 1612, and he was succeeded by Lord Suffolk, who found an empty treasury and numerous debts due by the king, occasioned chiefly by the sums which James lavished on his favourite. Suffolk, who was a person of mean capacity, invented a scheme of finance to raise money by selling honours. A rank midway between that of knight and baron was instituted under the title of baronet, or little baron. Two hundred patents investing that title were granted to as many persons, the price of each being 1000*l*. The other ranks of nobility had, according to their gradation, each its respective price. That of privy councillor was, like others, vendible; and privy seals were sold in numbers sufficient to realise 200,000*l*. Suffolk also exacted benevolences to the amount of 52,000*l*, and he created some new monopolies.

Those expedients were adopted in order to provide against the necessity of summoning a new parliament. Great alarm was diffused over the country by the report of a court intrigue, through which *undertakers* were appointed to secure a majority of the House of Commons in favour of the king. But this alarm, if well grounded, proved rather the political ignorance than the sagacity of those who apprehended danger from it. It showed that the time had ceased when a seat in parliament was considered an oppressive and compulsory attendance; and that now the confidence reposed in one who was sent to represent a constituency, and the honour of the trust was considered a worthy object of ambition. Whether those undertakers were actively engaged at the elections or not,

it is certain that they were not successful in returning a majority of members favourable to the royal prerogative.

• The commons, on meeting in 1614, were urged by the king and his minister to grant a liberal supply; instead of which, they first entered upon the question on which the last parliament was dissolved,—that of levying new customs and impositions by the exercise of the royal prerogative; and the debates as to the king's power ran so high that his majesty, in a fit of indignation, immediately dissolved the parliament and imprisoned several of the members for the freedom of their speech.

The English had always cherished an ardent love for the common law. James, on the other hand, publicly expressed his disgust, not only with the common, but with the statute law of England; and although he may have practised dissimulation, and have had little regard for truth, yet was he so utterly destitute of ordinary prudence, that he never could keep his own counsels. Having openly professed his high admiration for the civil law, he was, for this indiscretion, obliged to apologise in a speech to one of his parliaments. In the year 1615, the courtiers, finding that Somerset had incurred the national hatred—that the belief of his countess having caused the murder of Sir Thomas Overbury had become general—that the favourite had lost the beauty of youth, and that the king's affections had become estranged from him—they brought forward George Villiers, a young man of twenty-one years of age, who had just returned from his travels on the continent, and who was distinguished for his handsome person,

polite manners, and rich dress. The king was immediately attracted by his appearance; but he was at this time so far prudent, that he declared he would not confer any office upon him unless requested by the queen. She, however, refused at first, and only finally consented when entreated by a courtly prelate, Abbot, Archbishop of Canterbury.

Villiers was then appointed cupbearer; but the courtiers were divided; some worshipped Villiers; others considered it more discreet to adhere to Somerset; so that rivalry between the favourites begat quarrels between their flatterers.

The discovery of Somerset's guilt of murdering Overbury led to his downfall. The poisons were prepared by an apothecary's apprentice, who was induced to retire to Flushing, where he revealed the secret. This, through the king's minister in Holland, was conveyed to Winwood, the secretary of state, who immediately informed the king. Coke, who became chief justice, was directed to institute inquiries. The guilt of several parties was traced and proved. Sir J. Elvis, Lieutenant of the Tower, Frenklyn, Weston, and a Mrs. Turner, were tried, condemned, and executed; and the guilt of Somerset and his countess, as well as that of Northampton, was fully proved.*

For a crime so horrible, it seemed unaccountable that even a prince so weak and profligate as James I.

* Coke, on the trial of Mrs. Turner, told her that she was guilty of all the seven deadly sins; among which he enumerated that of murder, felony, papistry; that she was a witch, a sorceress, a procuress, and a strumpet; and as if poisoning was not of itself sufficiently wicked, it was represented by Bacon as a Popish trick. Stowe remarks, that when the king, on his entry into England, came to Newcastle, he liberated all prisoners except those convicted of treason, murder, and papistry.

could have pardoned the principals. The accomplices were all executed, but Somerset and his countess were not even sentenced to die; and although James imprisoned them both, he afterwards restored them to liberty, and granted them pensions. They were driven by society into obscurity; but they lived to an old age in the same house, hating and holding no intercourse with each other.*

On the disgrace of Somerset, Villiers was rapidly promoted; and he, in a short time after, enjoyed a monopoly of the favours, honours, and riches of the crown. He was first created Viscount Villiers, next Earl of, and then Duke of, Buckingham. He was made a Knight of the Garter, Master of the Horse, Lord Warden of the Cinque Ports, Steward of Westminster, Lord High-Admiral of England, Constable of Windsor, Chief Justice in Eyre, and Master of the King's Bench Office. His mother was created Countess of Buckingham; and his brother and numerous relations were all advanced to rank and office.

The money which Queen Elizabeth advanced to the Dutch was secured by placing, in pledge for its repayment, the fortresses of Flushing, Brille, and Hammekins, in the possession of the English. In the year 1616 the balance of that debt amounted to 600,000*l.*; but the king agreed to deliver those towns to the Dutch for an immediate payment of 252,000*l.*, in order to meet his immediate engagements, and to enrich Buckingham.

* There is no portion of that most partial section of Hume's "History of England"—the reign of the two first Stuarts—more reprehensible than the lenity with which he speaks of King James, in all that he relates of the infamous Somerset.

Although the king promised on leaving Scotland to visit that kingdom annually, he neglected to do so for fourteen years. In the year 1617 he resolved to visit his native country, and his principal object was to establish a conformity of worship and discipline on the part of the Church of Scotland with that of the Church of England. On the 13th of June of that year he proposed to the Scottish parliament that they should enact, "that whatever his majesty might determine upon with respect to the external government of the Church, with the consent of the archbishops, bishops, and a certain number of the ministers, should have the force of law." But the opposition which he met with induced him to withdraw the bill; and he convened at St. Andrew's a meeting of the bishops and thirty-six of the most eminent ministers. He there declared his fixed policy of instituting by his own authority the ceremonies which he had recommended.

He summoned a general assembly, which accordingly met on the 25th of November following, before which time he returned to England. This assembly eluded the king's proposals; but on the following year he extorted from the assembly the acceptance of his ceremonies, although they were regarded with horror by the nation. While James shocked the religious sentiments of his Scottish subjects, he disgusted the great majority of the English Protestants by a proclamation which he set forth, that after divine service all sorts of games and exercises should be encouraged.

Sir Walter Raleigh, who had been imprisoned for many years in the Tower, instead of being unpopular as

he formerly was, on account of his opposition to Essex, was now, for his learning and wisdom, extolled by the nation; and his confinement added to that disrespect with which James was regarded by his subjects. In the year 1618 Raleigh was liberated from the Tower, not on account of the admiration entertained towards him for his magnanimity, and for his famous work, "The History of the World;"—not because the nation regretted that a man of such active and enterprising spirit languished within the walls of a prison; but that James might acquire a share of that wealth which was reported to abound in the *El Dorado* of Guiana. Although we cannot defend the whole conduct of Raleigh during his last expedition to America, yet it is impossible not to condemn the base and atrocious behaviour of James I. in his treatment of that eminent man.

On his return to England, Raleigh was immediately arrested. The motive was perceived by all men. James at that time was negotiating for a marriage alliance between his son Charles and the second daughter of the King of Spain; and Gondomar artfully insinuated that the punishment of Sir Walter Raleigh would facilitate the contract. Raleigh was accordingly sacrificed by James, and executed under a sentence which had been illegally and irregularly passed on him fourteen years before; although he had, in the mean time, been employed by his sovereign in an expedition by which he entrusted him with the lives and fortunes of a great number of his subjects. No act of James was more odious than the execution of Raleigh; and it was justly considered that a personage of distinguished learning

and accomplished—of the greatest military experience in England; the founder of the English colonies; and the most active promoter of maritime enterprise, was sacrificed to the most perfidious of our foreign enemies.

Having failed in extorting money by the free gift, called *benevolences*, the king found it necessary to apply to parliament. Writs were accordingly issued to elect a new House of Commons; and parliament assembled on the 16th of June, 1621. The commons at first endeavoured to maintain a friendly correspondence with the king, and they voted him two subsidies at the beginning of the session. They then proceeded temperately to inquire into the existing grievances. Two persons had received patents for licensing inns and ale-houses, and great sums of money had been exacted throughout the country under those licenses. The innkeepers who refused to satisfy the rapacity of the patentees were severally fined, prosecuted, and imprisoned. Other patents had also been granted.

The commons, although they acted with moderation, yet prosecuted their inquiries with perseverance and firmness; and one of the most remarkable acts of the session was the impeachment of the celebrated Bacon. He was created Viscount St. Albans, and held the great seal of England. He was justly admired for his genius, learning, humanity, and refinement of manners. But, unhappily, he was not proof against corruption. By the disorder of his pecuniary affairs,—by allowing his servants and others to involve him in debt,—and by profuse expenditure, he was so deeply plunged in monetary difficulties, that, under the name of presents from suitors in

Chancery, he almost openly received bribes as a judge. Nor can he be justified by the like corrupt practices of former chancellors; nor by the defence which is set up in his favour, that he had delivered decrees against those from whom he had received the largest sums. It is also true, that those who had actually paid him the money of corruption were the most forward to accuse him before the commons. He endeavoured, by a general confession of his guilt, to escape the mortification of a detailed inquiry,—and he acknowledged that he had received twenty-eight *bribes*. He was then sentenced to be imprisoned in the Tower during the king's pleasure,—to be rendered for ever incapable of holding office, place, or employment,—excluded for ever from parliament and from the verge of the court,—and to pay a fine of 40,000*l*.

In a short time, however, he was released from the Tower; and his learned works, written during the remaining five years of his life, have caused his guilt to be almost forgotten by posterity. The fine was remitted, as well as the other penalties of his sentence; and a pension of 1800*l*. was bestowed on him on account of his former services, to maintain him in his old age. In the character of this great philosopher there was wanting, while he was engaged in the laborious duties of a high judicial office, that prudent attention to his private affairs, and that firmness of mind which was necessary to guard him against the corruption which subsequently subjected him to such dreadful humiliation.

It was in the parliament of 1621 that the com-

mons promulgated their assumption, or right, of being the defenders of the people; and that all grievances should be inquired into by them. That branch of the legislature acquired, in consequence, an extraordinary degree of confidence and respect from the public. Their inquiries with regard to the prerogative and the king's authority were exceedingly distasteful to James; and after the house had been assembled for six months, the king adjourned them until next winter, but not before the commons applied to the lords to join them in a petition for a delay of the adjournment. The peers refused, and the commons left London in discontent, and returned to their homes, ill-satisfied with the conduct of their sovereign.

The king, although he appeared ready to recal all his patents, and to relinquish his power of granting monopolies for the future, and had even redressed thirty-seven grievances, lost all the credit by one act of imprudence. Without any known charge, he committed one of the ablest members of the house, Sir Edwin Sandys, to prison, whose only offence was his activity and vigour in attending to his duty as a representative of the people.

The Palatine, who had married James's daughter, was driven from his dominions; and the king was loaded with opprobrium for having rendered no assistance to his son-in-law. On the reassembling of parliament, the commons entreated the king to undertake the defence of the Palatine—to declare war against Spain—to enter into a negotiation for the marriage of his son to a Protestant princess; and they

further urged that the children of Popish recusants should be placed under the care of Protestant teachers; and that the confiscations and fines to which Catholics were liable should be exacted without delay, and without mercy.

This hardy and intolerant remonstrance invaded at once all the king's high maxims of prerogative; condemned his former measures and his clemency towards the Roman Catholics; and denounced his *kingscraft* with respect to the Spanish alliance.

He received intelligence of this remonstrance when absent at Newmarket, and immediately wrote to the Speaker, rebuking the commons for debating matters openly which were far above their capacity or wisdom. He commanded them not to meddle with questions of state, nor anything which interfered with his authority; and they were especially commanded not to discuss the marriage of his son and the Spanish princess. He also prohibited them from assailing the honour of the King of Spain, or any of his other friends and confederates. He even threatened them, by referring to the imprisonment of Sir Edwin Sandys: which he did as a monarch who by divine right was authorised to punish every misdemeanour in parliament; and to chastise any one whose insolent behaviour might give offence.

The commons received this communication with scorn; they despised the king's threats; they knew their own popularity, and they knew, also, that the warlike spirit of the nation against the Catholics abroad, and the prosecution of the Papists at home, were sentiments entertained generally by the English people.

The commons, therefore, utterly disregarded the menaces of James, who had no standing military force; and they were convinced that he wanted the perseverance, dignity, and boldness of character, to carry his threats into execution.

The result was, that they sent forth a second remonstrance, upholding the legality of the first; and in respectful language they maintained their right to interpose their counsel in all matters of administration. They contended that freedom of speech in their debates was an ancient and undoubted right transmitted to them by their ancestors, and that if any member abused this privilege, it belonged to the house, and not to the king, to inflict censure or punishment on him.

The committee who were appointed to present this remonstrance, were told by the king that it was a declaration of war against majesty, and not an address of dutiful subjects to their king,—that their pretensions amounted to a plenipotence which none of their ancestors ever presumed to exercise,—and that government depended upon an intelligence and wisdom of which they were entirely ignorant and unable to judge; and he denied that they had any right whatever to meddle with any business which belonged to his prerogative. He asserted that the commons enjoyed none of their privileges by inheritance from their ancestors, and he maintained that many of those were only assumed, from their having been allowed by the gracious permission of former kings, to grow from precedents to usage. He, however, promised, that if the commons confined them-

selves to those rights of which they were legitimately possessed, he would be as careful of their privileges as he would be of his own royal prerogative.*

The commons, immediately on the return of the committee, drew up a protest, in which they renewed their former claims for an unrestricted authority to interpose with their advice and counsel, and for their freedom of speech; and they contended that the labours, franchises, privileges, and jurisdiction of parliament, were the ancient and undoubted birthright and inheritance of the subjects of England.

The king, on returning to town, sent immediately for the journals of the commons, and in council he tore out their protest, directed his reasons for so doing to be entered on the council book,—and, in order to prevent the commons from animadverting on this act, or from proceeding to any violent measure, he instantly prorogued, and then dissolved the parliament by proclamation.

Sir E. Coke, Sir Robert Phillip, Seldon, Pym, and Mallory, were arrested and committed to prison, and other members of the commons were banished to Ireland. This tyranny on the part of the king was in accordance with his letter from Newmarket; but it was also followed by an act of corruption. One of the most leading men in the commons, Sir John Saville, who with great zeal had opposed the king, was suddenly appointed comptroller of the royal household and to the privy council, and afterwards elevated to the peerage.

The commons must have acquired great power

* Franklyn, Rushworth, Kemet.

when the king considered it politic to remove,—and this was the first instance,—from opposition in that house an able political opponent, but one, also, of flexible principles, like Sir John Saville.

This act of corruption on the part of James was severely commented upon throughout the kingdom. But it was not foreseen that this attempt at perverting the independence of a representative would originate the division of that assemblage into parties. At that time there was no public press in England. Pamphlets, written with rancour and scurrility, were sometimes printed; but of the whole population there were few who could read, and of that few a small portion only read political dissertations. It was in speaking, either in the pulpit, in parliament, or in society, that questions of right or wrong were discussed.

Political injuries, constitutional principles, questions of right, the prerogative of the Crown, and especially taxation with the sanction of parliament or by authority of the king, all began to engross the public mind. It was the favourite maxim of James that no one but the king should discourse on state affairs. He repeatedly issued proclamations against such discussions, but they were disregarded by all classes of the people. The adherents of the court began now to constitute one party; the advocates of political liberty the other. The first contended that the king alone had the prerogative of originating any extension of popular rights; that monarchy was the first form of government; that laws and their administration were afterwards the joint production of the king and those whom he called to his coun-

cils; that whenever laws were forced upon a prince by rebellious subjects, they were only temporary and uncertain; that the kings of England were at all times absolute sovereigns; that parliament was the creation of the royal will, by which only it could be assembled and dismissed; that laws could have no force without the king's authority; that if he, in his clemency, received complaints of grievances, this condescension must be considered only an act of royal grace; that it was beyond the capacity of the commoners or other subjects either to comprehend or interfere in matters of government; that the prerogative of the king was sacred and superior to the authority of all human laws, and too transcendent to be trenched upon by any subject, however high his rank; and finally, that no subject could live in security according to law while he incurred the royal indignation. Such were the maxims of the king; such were those entertained by the court. By the supporters of the king's prerogative they were passively obeyed. In the commons, the courtiers either zealously or in dissimulation advanced and defended those arbitrary dogmas.

But the other party put forth far different principles of government; they contended that monarchies owed all their authority to the generosity or to the voluntary consent of the people; that at all times the English either lived under or contended for a mixed government; that if the nation had been oppressed, and had lost all its liberties during the Norman period, the English people had never ceased to contend for their natural liberties and constitutional rights; that the people had been at all times

characterised for a spirit of freedom and the love of liberty, while they were, at the same time, naturally disposed to loyalty towards their sovereigns, and obedience to the laws; that parliament, however much interrupted during the feudal period, and awed into obedience under the Tudors, it had never ceased to be considered an ancient national council, to which the people looked up by tradition, as well as by custom, magna charta, and other laws, for relief against tyrannical power, and for the revival of that sacred liberty which all Englishmen have been taught to consider as their birthright; and, that although under the Tudors and other despotic sovereigns taxation had been levied, and monies extorted without the consent of parliament, yet that the just right of levying taxes was vested in that assembly, and in no other power whatever. It was further contended, that however mild and equitable the government might be considered, yet, that if the king “founds his authority on arbitrary and dangerous principles, it is requisite to watch him with some care, and oppose him with some vigour, as if he had indulged himself in all excesses of cruelty and tyranny.”

Such were the sentiments expressed by those who advocated the principles of civil and political rights, of popular and religious freedom; and it was the declaration of these principles and feelings which first developed in England what was considered, by profound thinkers, a favourable and certain assurance of the advent of a period of transition,—from the exercise of that high prerogative and absolute power which James inherited from the

Tudors,—to an age in which true liberty, religious toleration, and common sense, founded on the distinction between right and wrong, justice and injustice, and which would advance until those common rights of mankind were established as the leading principles of the constitution, government, and administration of England.

The exorbitant prerogative arrogated by the Crown was considered by the king as his legitimate inheritance; and if James had sufficient capacity of mind, energy of purpose, discretion, and perseverance in action,—if he had possessed a revenue independent of parliament, and had at his command a standing army, he might have at this time destroyed the liberties of England. But he possessed not one of those necessary elements of power and despotism; and he had disgusted the nobility by his unaccountable affection for the Hays, Carres, Buckinghams, and other young dissolute persons. Instead of maintaining the royal dignity, he at length allowed himself actually to be overawed, and even threatened, by the unscrupulous and profligate Duke of Buckingham.

Within his own court and palaces, immorality, vulgar conversation, swearing, indecency, buffoonery, and drunkenness prevailed. Even the ladies of the court were frequently at the balls and masquerades in a state of beastly intoxication.

In every one of the negotiations into which James had entered with foreign states he had utterly failed. He always boasted, that by *kingcraft* and pacific overtures he could frustrate not only the diplomacy, but overcome the armed forces of con-

tinental sovereigns. His able minister at the court of Madrid, Lord Bristol, had nearly brought to a definite arrangement the marriage of his son Charles with the Infanta of Spain; and it would appear that James, in order to accomplish that object, was far from scrupulous with regard to the terms of the contract, for we find him agreeing that the education of any children that might be the fruit of the marriage, until the thirteenth year of their age, should be committed entirely to the care of their Catholic mother or her confessor. His son-in-law, the Palatine, had lost all his dominions in Germany, and it was proposed to, and appeared to be acquiesced in, by Philipp IV. of Spain, that the restoration of the Palatinate by the house of Austria should be considered as a collateral stipulation with the marriage contract.

A mad enterprise suggested by Buckingham, partly with the object of degrading Lord Bristol, and partly to acquire an influence over the young prince, destroyed all the illusions which James had entertained respecting the alliance with Spain, and the enormous dowry which it had been agreed to be given by her brother to the infanta on the occasion of that event. Contrary to the opinion of James and one or two of his wisest counselors, the king himself gave way to Buckingham, who, with the prince, started in disguise for the court of Spain; where, after passing unknown through France, they arrived in eleven days. Charles was received with royal honours by Philipp IV. Although he was not allowed to have any conversation with the infanta, he seems to have

been pleased with her person; and after being present at various festivities, and receiving every mark of honour and distinction from the royal family, courtiers, and grandees of Spain, he returned home with the full understanding that all the articles of the marriage contract had been agreed to, and that all that was required was, that the dispensation for the infanta marrying a Protestant, and which had also been agreed to, should be received from the Pope.

Buckingham, on the other hand, while at Madrid, insulted by his haughtiness and irregularities the Spanish ministers and courtiers, and he determined that on his return to England he would employ all his authority, not only over the king, but with the Protestants, in order to prevent the marriage of Charles and the infanta; which crooked and dishonest policy he knew would be favourably received by the English nation, who held all Popish alliances in abomination. He, in the first place, impressed on James that there was no sincerity in the professions of the court of Spain, and he employed other artifices which paralysed the Earl of Bristol in completing the negotiations.

The King of Spain had gone so far as to deliver in writing a promise to Bristol, by which he bound himself to maintain, either by negotiations or any other means, the restoration of the Palatinate to the son-in-law of the King of England. But in 1623-4, James not only broke the negotiation with Spain, but he also declared that he would make war against that power. What is still more extraordinary is, that Buckingham, one of the most immoral and

dishonest men who ever obtained influence in England, became, in consequence of his frustrating the Spanish alliance, and his advocacy of war—for which it may be observed the English were ever eager and ready—the most popular man in the kingdom; and that great lawyer, but unprincipled man, Sir Edward Coke, declared him in the House of Commons to be the saviour of the nation. Buckingham even courted the Puritans, and proposed abolishing the dignity of bishops. In order to furnish the king with money to carry on the war against Spain, he advised that the lands of the deans and chapters should be sold, and the money paid into the treasury.

The king, however, faltered in his warlike resolution, and as usual he temporised; but Buckingham carried the popular prejudices with him; the whole nation was under the excitement of a warlike spirit; James was emboldened; and for once harmony existed between him and the parliament. His majesty, in a speech to both houses, lamented the misfortune of his being compelled to relinquish the character of a pacific monarch—to exchange the benefits of peace for the certain calamities of war; but that such was the necessity of supporting his Protestant son-in-law, and carrying his arms into Flanders, that he must now demand of the commons a vote of six subsidies and twelve-fifteenths; and that, in order to prevent any maladministration, the money voted should be entrusted to a committee of parliament instead of being left to his own management. This was an unprecedented concession from an English king; but

instead of voting anything like the amount sought, the commons gave something less than three-fifteenths, or not quite 300,000*l*.

The commons at the same time passed a bill declaring all monopolies contrary to the laws and to the just liberties of the people. They laid down the great principle that every inhabitant of England had the right of freedom of industry, commerce, and action, restricted only by the limit of not injuring any of his fellow-subjects; and that this unrestricted freedom was not under the control of any magistrate, or of the royal prerogative, but that its exercise was subject to no other authority but that which the laws of the realm prescribed.

The power of impeachment which had been exercised against the Chancellor Bacon, was now resorted to in parliament against an individual whom Buckingham raised from the rank of a merchant in London, to the dignity of Lord Treasurer of England, with the title of the Earl of Middlesex. This impeachment was instituted by the Duke of Buckingham, not on account of real guilt, but rather on account of the honesty of Middlesex, who scrupled to remit money to support the profusion of the former while at Madrid.

In the peers, the treasurer was found guilty of accepting two presents of 500*l*. each for two patents; and for which he was fined 50,000*l*. to the king, and ordered to suffer all the penalties included in the sentence upon Lord Bacon.

Animosities against the Roman Catholics prevailed at the same time in the House of Commons, and they addressed the king, begging that the laws

against them should be enforced with the utmost rigour. But the king appears not to have entertained the persecuting spirit of that assembly. Bristol having been frustrated in his negotiation, returned to England, and at the instigation of Buckingham was committed to the Tower. A treaty with France was ratified during the same year, and a contract entered into between the two crowns for the marriage of the Princess Henrietta, daughter of Henry IV., and Prince Charles.

An English army of 12,000 foot and 200 horse, levied in various parts of the kingdom, was sent, under the command of the German Count Mansfeldt, in December, from Dover, in order to disembark at Calais and invade Flanders; but so ill-concerted were the arrangements, that they were not admitted into that fortress, and the vessels in which they were crowded sailed to Middleburgh in Zeeland, where no orders had arrived for permitting them to land: more than one-half died of a distemper, and the remainder returned, without landing, to England. Such was the disastrous fate of the only warlike demonstration made during the reign of James I. He died soon after, on the 27th of March, 1625, after reigning twenty-two years over Great Britain and Ireland, and in the fifty-ninth year of his age.

The reign of this monarch was the least renowned, and yet the most fortunate—not even excepting that of Queen Elizabeth—which had ever been experienced by the English nation: for it was impossible for a country which had enjoyed the blessings of peace for

a quarter of a century not to make great progress in agriculture, manufactures, trade, and navigation.

Although the king, in his policy, denied a single principle which would limit the royal prerogative, yet maxims of true liberty were not only introduced, but maintained in his parliaments. Without any of those magnanimous ideas, or the practical ability which distinguish a great monarch, the aversion of James to war, his love of indolence, and the consequent freedom which was enjoyed by the inhabitants of towns for the pursuit of trade and maritime adventure, enabled the mercantile community to become rich; and it was during his reign that the first permanent settlements were made by the English on the continent of America; but it was not to this spiritless and unworthy king—it was to the gallant and adventurous Raleigh—that the honour is due of designing and promoting the foundation of the British Colonial Empire. It must also be remarked, that the taxation of the country—that is, the proportion of the value of the produce of labour, which was exacted either under the authority of parliament, or levied as customs by the authority of the Crown, and which was then considered lawful, though afterwards justly and effectually resisted, amounted altogether to a sum which did not average one-twelfth part of the annual amount now levied under the single tax of poor's-rates. History affords no example where the blessings of peace have been so great as in the reign of James I.,—a prince almost in every other respect ignominious. Not one of his virtues were free from vice. Hume says, however, that “James was as inoffensive as he was indolent.” He was

scarcely ever roused to activity but by the pleasures of the chase and by theological disputation. In the coarsely-dressed food of his table, and in the use of wine, he freely indulged. Few men of that age uttered more profound maxims : it was seldom that any king acted less in accordance with practical wisdom ; but it does not appear that as a king his motives were unjust. Without slandering his character by the dark accusations with which he has been charged—especially with respect to the Gowrie conspiracy—and his ridiculous affection for Hay, Carre, and Buckingham, it is unaccountable that he could have acted with such extraordinary folly and extravagance, and that he should have yielded his own judgment to the influence of such profligates. Nor were his wisest and most generous plans free from cunning as well as imprudences ; and his love of peace was deformed by a pusillanimous dread of war. With his awkward person, graceless manners, coarse pronunciation, and idiotic partialities, he maintained no dignity ; and he was exposed to constant jesting—especially on the continent—where he was introduced into pantomimes and comedies in the most ridiculous characters. He died without the respect of any one who knew him. History will record him among the least illustrious of British monarchs ; yet posterity ought to feel grateful that a king of vigorous intellect, warlike disposition, and great administrative abilities, was not destined by Providence, on the death of Elizabeth, to ascend the throne of the last of the Tudors.

The Star Chamber and Court of High Commission were maintained by James I., and transmitted to his son, with all the authority of those arbitrary inquisitions and tribunals. There was no law which compelled the king to summon his parliaments; and they scarcely ever were assembled except when the sovereign was compelled by his financial poverty to apply to the commons for money, or for the sanction of their votes to some act of despotic oppression.

It was seldom, however, even under the Tudors, that the interval between the prorogation or the dissolution of one parliament and the meeting of another exceeded the term of five years. With respect to the royal prerogative, it was illegal to extend that power to the imposition of taxes without the authority of parliament; but in almost every other act of the administration, the English appear to have submitted to a form of government monarchical and unmixed. On questions of navigation and trade the king's prerogative was laid down as absolute; and it was held by Bacon—"first, that the king may restrain any of his subjects from going out of the realm; second, that the king may forbid the exportation of any commodities out of the realm; third, that the king may forbid the importation of any commodities into the realm; fourth, that the king may set a reasonable impost on any foreign wares which came into the realm; and so on any native wares which may go out of the realm."* And he contended in the House of Commons, "that the king might establish any impost on exports and imports,"—though he admitted "that the prerogative could not impose a domestic

* Bacon's works, quarto ed., vol. ii., p. 504.

tax on lands or on polls." In support of court-law, or royal prerogative, the Crown lawyers and high churchmen argued, that the divine right and authority of the king ought to be submitted to with non-resistance and passive obedience, with as much the same devotion, duty, and humiliation, as to the authority and laws of Heaven.

Those high and absolute ideas of the royal prerogative were the assumptions and rights which all the kings of the Stuart race claimed as their rule of government and their standard of power. During the reign of James, the country gentlemen resorted more to London than was agreeable to that king. He frequently urged them to retire to their country seats; and Lord Bacon informs us that he would say to them, "In London you are like ships in the sea, which show like nothing, but in the country villages you are like ships in a river, which look like great things." The number of houses had, however, greatly increased. On his accession to the throne, with the exception of a few mansions belonging to the nobility, near the banks of the Thames, there was not a house between Whitehall and the Temple; and St. Martin's Church was at that time completely isolated and in the fields. James frequently issued proclamations forbidding the gentry to live in town, and against the erection of any new houses. His object in driving the nobility and gentry to the country, was to prevent their meeting together in London, and meddling with the affairs of the state. He did not reflect, that by remaining at their country seats, they would accumulate riches; whereas, by living in London, they would spend their fortunes, and fall into pecuniary em-

barrassments, which would render them dependent and powerless. Besides, their hospitality in the country brought together all the neighbouring nobility and gentry; and in each county the nobility and proprietors of land became, during his reign, a formidable class.

The riches acquired by manufactures and trade, and the union of the families of merchants with the country gentry,—from both of which the members of the commons were elected,—imparted to that assembly the confidence at the same time of the counties and the towns. Hospitality in the country, and civic banquets, constituted the principal expenses of the burgesses and landed gentry. Elections were not then attended with the expenses of bribery or feasts; and as the taxes were insignificant, probably no class ever enjoyed greater happiness than the landed gentry. Nor were the people without their share of the felicity which peace had spread over the land during this pacific reign.

The revenue of James, exclusive of the miserable subsidies granted by parliament, amounted to about 450,000*l.*, arising from Crown lands, customs, new impositions, wards, and minor receipts. Besides which, he raised 2,200,500*l.* by the sale of titles, benevolences, loans, repayments from the States-General and the King of France, and by the sale of Crown lands. He was always under pecuniary embarrassments; and yet he recklessly gave more than 400,000*l.* to Buckingham and his other young favourites; and his debts compelled him to realise 775,000*l.* from the sale of Crown lands.

The customs were farmed, and the severities of

those to whom they were let formed great impediments to the freedom of commerce. The first quarrels with America occurred in consequence of the enormous duties imposed on the first importation of tobacco from Virginia; and which, by compelling the planters to send their tobacco direct from America to Middleburgh, led the king, at the instigation of the farmers, to institute a navigation law by order of the council, and which law ordained that all articles and produce of the English colonies in America could only be imported in English ships direct to English ports,—there to pay a duty imposed by the farmers of the customs before their entry for consumption into the kingdom, or before their re-exportation to any other country. The customs yielded, during the first reign of James, 127,000*l.*, and they increased towards the latter end of his reign to about 190,000*l.* Independent of the 300,000*l.* which the last parliament granted, and which was entrusted to the commissioners of the commons for paying the expenses of the Spanish war—for which the amount was insufficient—the whole sum granted to the king by parliament amounted to little more than 625,000*l.*; or less than 30,000*l.* a year for his whole reign.

It is remarkable, that with such slender means, James, who neither practised frugality nor system in his expenditure, could have maintained his court or enriched his favourites; while at the same time he annually remitted considerable sums for the maintenance of the family of his son-in-law, the Palatine. But James had not to maintain a standing army, excepting in Ireland, where it was necessary for the protection of the English *Pale*, and the Protestants who had

been transplanted to Ulster. In his palaces James maintained no extravagant establishment, nor mistresses; his furniture was common, his crockery was ordinary, and his table was served with simple dishes, but with abundance of wine. He had no costly equipages, and he constructed no magnificent edifices, excepting the banqueting-house, which still remains, as an architectural structure, unrivalled in London for the elegance and correctness of its proportions, and the chaste beauty of its style. With the exception of the churches and a few public edifices, there is scarcely a building now remaining which existed during the reign of James I.

The cities of London and Westminster were then nearly altogether constructed of wood; and both cities probably presented the least alluring aspects of any of the towns of Europe. The houses in the Strand, especially those next the river, were chiefly constructed by or for the Scotch, who resorted to London after the accession of the Stuarts; and notwithstanding the attempts to prevent the increase of buildings, it is estimated that the number of dwellings and of the inhabitants doubled in the first forty years of the seventeenth century.

With regard to the navy of England, it appears that a sum of about 50,000*l.* a year, besides the timber supplied by the royal forests, was expended by James in the maintenance of a naval force. In the five years ending 1623, he constructed ten new ships of war, and one of these,—the largest ever built in England,—measured 1400 tons, and carried sixty-four cannons.

The manufactures of England, although they in-

creased in amount and value, were still of a rude kind. Nine-tenths of the exports consisted of woollen goods and wool; but the exportation of the latter was prohibited in the nineteenth year of the reign of King James. The cloths were made of undyed woollen yarn, and exported to Holland, where they were dyed. There were no manufacturers of fine linen. During his reign, however, the ships built, and the cannon cast in England, were extolled by foreigners.

The Board of Trade was instituted in the year 1622; and according to Rymer, the chief reason of its establishment was to remedy the low price of wool, and the decay of woollen manufacture. The king recommended the board to make inquiries, and to report as to whether a greater freedom of trade, and the withdrawal of the privileges of exclusive companies, would not be more conducive to the commercial interests of the empire. He likewise directed them to adjust the navigation act.

Two grievances were continually represented to parliament during the reign of James I.: the first was the growth of Popery, the other the decay of trade. But the complaints with regard to commerce were groundless. The mercantile marine had greatly increased, and were equipped with 10,000 seamen. The spirit of adventure during this reign was remarkable. In 1609 the East India Company launched a ship of 1200 tons—the largest merchant ship ever constructed in England. This vessel was unfortunately shipwrecked. In 1611, one of the company's ships and a pinnace vanquished a Portuguese squadron of five vessels. The value of the exports from England to all countries, in the year ending

Christmas, 1613, is set forth at 2,487,435*l.*, and the imports at 2,141,151*l.* Ten years afterwards the value of the exports for the year amount to 2,320,436*l.*, and the value of the imports to 2,619,315*l.* The rate of interest was reduced in the reign of James I. from 10 to 8 per cent.

The whole coinage of England during the twenty years ending 1619, amounted to 4,779,314*l.* 13*s.* 4*d.* The ships of the East India Company carried to the East commodities to the value of about one-third of the cargoes which they imported, and the remaining two-thirds in specie. The Turkey trade appears to have flourished during this reign.*

As to agriculture, the exportation of corn was prohibited until the fifth year of the reign of Queen Elizabeth; and in consequence, it was found far more profitable to lay out grounds for pasture than for tillage; and it is remarked by Camden, that after the exportation of corn was allowed, improvements in agriculture immediately began.

During the reign of James, several books and pamphlets, treating upon husbandry, were issued, and the extent of land under corn cultivation had greatly increased; but the bread of the common people, and most of that used in the houses of the gentry, was made of barley meal. Large importations of corn, however, were annually made from the ports of the Baltic, and occasionally from France. During one year of scarcity, according to the computation of Sir Walter Raleigh, a sum of 2,000,000*l.* was paid for imported corn.

* Misselden's "Circle of Commerce," Muir's "Discourse on the East India Company," Anderson's "History of Commerce."

It does not appear that the manners of the English had advanced in refinement during the reign of James I. Learning was diffused, but a quaint and barbarous taste prevailed. Shakspeare died in the year 1616; and Ben Jonson, a man of greater learning, but of far less genius, died twenty-one years afterwards. The latter was pensioned both by James and Charles. Some translations—especially of Tasso by Fairfax, and Ariosto by Haddington, are remarkably exact; yet the English verse would have been more harmonious if it had not been chained to the Italian stanza. But those translations, as well as Spenser, contributed to improve the English taste. Bacon, with all his learning, was ignorant of geometry; he even disbelieved in the philosophy and astronomy of Galileo; and it is remarkable, that he not only considered the Copernican system false, but irreligious. Galileo himself, for maintaining the truth of that system, and for producing new proofs in its support, was in consequence persecuted by the Inquisition, and confined in prison by the Church as an infidel.

The English language, as spoken by men of education, who also had the opportunity of enjoying the advantages of the most intelligent society, was nearly as correct, and more forcible than that spoken one hundred years afterwards. But this was by no means generally the case; and we find letters of persons of high rank written with an utter disregard to syntax and orthography; yet it is singular, that while the letter of Anne Boleyn, to her savage husband, written from the Tower, is remarkably pure in style, spelling, and expression, the letters and speeches of Elizabeth, as far as preserved, are neither correct nor

elegant. Her speech at Tilbury forms an exception, as it is transmitted to us,—but although it may convey her meaning, it is assuredly not a verbal report of what she uttered. From the books printed during this reign, we have the best proofs of the literature and style of the time; and among these, Camden's "History of Queen Elizabeth," the latter part of Raleigh's "History of the World," the letters of Neville, Essex, and Throgmorton, and Hakluyt's and Purchas's "Collections of Voyages," may be regarded as the most remarkable. The polemical theology and the scholastic philosophy of the age were antagonistic to science, true taste, and polite literature. Geometry was almost unknown, and mathematical and astronomical studies were disregarded. But they were not altogether neglected by a few individuals in London, or by those who engaged in maritime adventures.

CHAPTER II.

THE REIGN OF CHARLES I.

CHARLES STUART was born at Dunfermline on the 29th of November, 1600, three years before the death of Queen Elizabeth; so that he was carried from Scotland to England in his infancy, and he never acquired much knowledge of that country or of its inhabitants. His education was chiefly received from masters under the direction of his father; and although the manners which he acquired were graceful though grave,—and the language which he spoke, together with his writings, were comparatively pure, he was in other respects an apt scholar in learning the paternal maxims of the divine right and absolute prerogative of kings.

The private character of Charles was unblemished. He was regular and temperate in his tastes. He was never addicted to the coarse language, nor to the habits of swearing, which stained his father's speech and manner.

His enemies allow him the virtues of chastity and piety. They admit he was an affectionate husband, a kind father, and a good master. He abhorred de-

bauchery, profane language, oaths, jests, and the obscenity and drunkenness which disgraced the court of James. If his father was profuse in his expenditure, the disposition of the son was inclined to avarice.

On ascending the throne of England, on the 27th of March, 1625, Charles had the misfortune to consider himself by divine authority, and by the laws and usage of England, an absolute monarch; and he retained with obstinacy the highest ideas of the prerogative royal. He believed that kings alone should rule and command; that it was the duty of all subjects to passively obey; and that all resistance to his power was not only treason, but a violation of the decrees of God. From the time that he had contracted an intimate friendship with, and had given his entire confidence to, the infamous Buckingham, Charles was looked upon with distrust by his subjects; and he had also the misfortune of having married an imperious and bigoted Catholic, who was at the same time a beautiful and accomplished princess. He was led by his minister to persevere in illegal and unconstitutional measures, and his queen betrayed him into acts of indiscretion, and obtained, by her caresses and artfulness, a fatal influence over his heart and mind.

If James I. was pacific and dreaded war, Charles possessed both moral and personal courage, not only to declare hostilities against any foreign or domestic adversary, but to persevere in carrying foreign or civil war into rigorous effect. On ascending the throne he resolved, first, to restore his brother-in-law, the Elector Palatine, to his domains; and, second, to

render the royal prerogative independent of parliamentary control.

He believed that the war against the emperor and the Catholics would be ardently supported by his English subjects; and he believed, further, that foreign war would engage the full attention of all those who would in any way interfere with his domestic administration. Entertaining these views, he apprehended no difficulties from parliament. Subsidies for raising and maintaining a great army, and a great naval force, would enable him to invade the Netherlands, and march his forces into the heart of Germany; and aided by those of his ally, the King of France, drive both the emperor and the Duke of Bavaria out of the two Palatinates. So anxious was he to meet parliament, in order to obtain supplies, and so little did he expect a denial of subsidies, that he would have assembled the commons, which had been prorogued by his father; but as his advisers considered this would be irregular, he issued writs on the 7th of May for summoning a new parliament—the meeting of which was delayed till the 18th of June, in consequence of his waiting for the arrival of the Princess Henrietta, to whom he had been married by proxy.

He addressed this parliament in a speech remarkable for its moderation, kindness, and delicacy. He believed that he had secured the affections of the commons; and if we can depend upon the authority of Rushworth, he dwelt little on his monetary necessities. He inherited from his father, together with the crown, a heavy debt, due to foreign princes and to his English subjects. The commons well knew that the public revenue was unequal to the ordinary

charges of the court and of the administration; they knew also, that the war which James had shortly before his death declared against the emperor was provoked by themselves; and they further knew, that a war against the emperor would be considered as a war against Spain. It was therefore impossible for them to be ignorant that subsidies much greater than had ever been granted by parliament would be required to maintain armaments for conducting the war which they had recommended, and which was enthusiastically applauded by all, excepting the Roman Catholic subjects of the king.

It is also remarkable, that no House of Commons had ever assembled in which there sat so great a number of intelligent, judicious, and able legislators. But their generosity to the young king extended no further than two subsidies, the value of which did not exceed 112,000*l*.* The meanness of this grant seemed a direct insult to the sovereign. But there were other parties than Charles whom the commons not only distrusted, but hated; and well-grounded suspicions of the king and his advisers induced the parliament to limit the supply to an amount ^{so} contemptible.

The patriotic leaders in the commons had good constitutional reasons for the whole course of proceedings which they had determined to pursue, as well as for the mistrust they had in strengthening the authority of the king, and especially of his ministers, by a more bountiful subsidy. He had retained as his principal adviser a man most odious to the nation,—whose immoralities had disgusted all the Puritans,—who

* Cabbala, p. 224.

had fined a great and virtuous man who had sat in that parliament,—who, without having rendered any service to his country, was elevated to a rank only inferior to that of the sovereign, and who had rapidly acquired an enormous fortune, bestowed upon him by the late king, out of the very subsidies provided by the commons. The mere fact of Charles bestowing on Buckingham his friendship, and the highest power that could be conferred on a subject, led men of sagacity to entertain a mean opinion of the king's judgment, and to mistrust either his promises or his intentions. The other ministers, although far less objectionable than Buckingham, did not possess the confidence of the commons.

Under these circumstances a large majority of that assembly felt a conscientious reluctance to impose new burdens on the country, which had previously endured but an insignificant amount of taxation. It was further apprehended that, although the English nation applauded war at the time, the necessary burdens of taxation would change the popular approbation; and that if the king was enabled to raise a great military force, he might take the advantage of that power for subverting public liberty, and rendering the Crown absolute. Nor must it be forgotten, that although every English subject was compelled to attend the hierarchical church, and hear the service pronounced by a clergyman in a white surplice, contrary to their conscientious scruples, it was well known that the Puritans, in religious disguise, abounded in the kingdom; and the most powerful leaders in the commons, and probably the majority of the whole house, belonged to that Calvinistic sect.

The Church of England, which in many of its doctrines was eminently Calvinistic, had now become more thoroughly Armenian : to the doctrines of which the young king was ardently attached, although he admired ceremonials which approached more to those of the Church of Rome.

The marriage alliance with France, although more agreeable to the Puritans than that which was formerly proposed with Spain, was far from satisfactory to the Protestants, who regarded with distrust the influence of a Catholic wife over a husband who cherished with obstinacy a belief in the divine right of kings.

Although several of the members of the House of Commons, especially Sir Edward Coke, were men of reprehensible tempers, that assembly contained the most celebrated portion of those whom Clarendon justly styled "England's prime intellectual manhood." Among the number were Pym, Hampden, Selden, Sir Edwin Sandys, Sir John Elliot, Sir Dudley Digges, Sir Robert Phillips, Sir Francis Seymour, and Thomas Wentworth. The latter, however, who had been the friend, and who had entertained the same political sentiments as John Hampden, became an apostate; Digges followed his unprincipled example.

Those patriotic leaders and their followers in the commons resolved to make a stand in favour of the liberties of the country against the encroachments of the royal prerogative. They took their ground upon the right which undoubtedly belonged to the Commons' House of Parliament, under the *Magna Charta*, and the statutes of the 25th and 34th of

Edward I., which vested in the representatives of the people the power to grant or refuse supplies.

The struggle now commenced which was to determine whether England should be thereafter a free country; or whether Charles would be as able as he was willing to reduce the nation to the same passive obedience and non-resistance—to the same royal absolutism to which France was subjected, after the first institution of a standing army, and until despotism was completed, under Richelieu and Louis XIV. Nor was the foreign war, in which the king involved himself, disagreeable to the commons; inasmuch as it rendered him dependent on them for the means of maintaining that war.

Such were the views entertained in the popular estate of parliament. Charles, on the other hand, cherished all the lofty ideas of power which were established during that age in Spain, France, and Germany; and he considered the conduct of the commons as seditious, profane, and scarcely less than open rebellion.

In consequence of the plague which raged in London, he adjourned the parliament early in July, and reassembled it on the 1st of August at Oxford. He then submitted to them his demands for carrying on the war in Germany, and he exacted 400,000*l.* as the necessary annual expense of maintaining peace in Ireland, and the cost of the royal navy. Besides which, he had to pay 300,000*l.* of a debt contracted by his father to support his brother-in-law, the Palatine. He also owed 70,000*l.*, which he had expended as Prince of Wales in military and naval armaments. He entreated the commons to grant

those requests at the commencement of his reign. As a young king, he expected their dutiful compliance; and it must be admitted that the spirit and tone of his language at this time was conciliatory and constitutional.* But he still retained Buckingham and others in his councils, in whom the nation had no confidence. The royal fleet and army were at Portsmouth,—scantily supplied with provisions, and the soldiers and seamen were in arrear of their wages. But a new circumstance increased the suspicions of the commons. An English ship of war and several large armed merchant vessels were lent to, or hired by, the King of France, under the pretence that they were to be employed against the Genoese. But when the sailors found that they were to serve against their fellow Protestants at Rochelle, they signed a paper in the form termed by seamen “a round robin,” which they delivered to their commander, Pennington, who immediately returned with his squadron from Dieppe to the Downs. Buckingham forced the vessels back to Dieppe, where Gorges, a commander, escaped and returned to England, and all the other officers, seamen, and soldiers, deserted. This circumstance, apparently of little importance in itself, was taken up by the commons, who renewed their denunciations against the Papists, and demanded the vigorous execution of the laws against them.

The king, exasperated at receiving no supply from the commons, and at the intolerance of the Puritans, instead of proroguing, dissolved the parliament. He then resorted to the borrowing of money under the

* “Parliamentary History,” vol. vi., p. 396.

Privy Seal, and he so far succeeded as to be able to equip eighty vessels, some large, and many of small tonnage, on board of which an army of 10,000 men were embarked. This fleet sailed for Cadiz, the bay of which was found full of ships laden with cargoes of great value. But the commander of the expedition did no more than land and capture one fort, while his troops were so unaccustomed to discipline, that they broke into the wine magazines, and in their drunkenness committed great excesses. The crews of the ships and the soldiers were soon after infected either with fever or the plague; and the expedition returned to England with the loss of a great number of lives by sickness, and without any profitable result, for not a single prize was taken.*

The nation now became sensible of the imprudence of the Spanish war, and the incapacity of the man whom the king had employed in his first and disastrous expedition. Charles was then compelled to summon the parliament, in order, if possible, to obtain a grant from the commons. But to prevent the return of four popular and powerful leaders—Coke, Phillips, Wentworth, and Seymour—he appointed them sheriffs of counties. This attempt to incapacitate members who were prominent in the last House of Commons, instead of strengthening, had rather weakened the royal authority; for the interference was a palpable evidence that the king, in order to carry his measures, found it necessary to drive from the Commons' House several of its most able leaders.

This parliament granted him altogether four sub-

* Rushworth, vol. i., p. 192.

sidies and three fifteenths. But they did not pass their vote into a law until the end of the session; when the king was given to understand that if he refused to comply with their demands for the redress of grievances, he must not expect any future supply from the representatives of the people. The commons soon afterwards impeached Buckingham. In summoning parliament, the king directed that no writ, as was customary, should be sent to the Earl of Bristol, and Charles, in consequence, became as unpopular in the House of Peers as he was in the commons.

The king then proceeded to extremities. Two of the most popular members of the commons, Sir Dudley Digges and Sir John Elliot, were arrested and thrown into prison. The commons refused to proceed any further with business, and the king found it necessary to release those members. He gained no advantage from this unconstitutional conduct, while he at the same time exasperated the house. He had also sent the Earl of Arundel to the Tower,—the peers remonstrated, and they compelled him to release that nobleman. The commons next proceeded to remonstrate against the levying of tonnage and poundage without the consent of parliament.

The customs, including the increased duties imposed by James, yielded rather more than half the Crown revenue; and if they were placed under the control of the commons, the king would have been reduced to utter poverty, unless he had granted them a full redress, not only of their real grievances, but had consented to all their intolerant zeal against the Catholics, and even against the Church of Eng-

land. On the 15th of June, 1626, Charles suddenly dissolved the parliament, notwithstanding a supplication from the peers to allow both houses to sit, in order to pass some laws which were considered necessary.

With the intention to carry into execution his determination of reigning independent of parliament and of the people, he concluded a peace with Spain. Buckingham, whose temper was impetuous, revengeful, and passionate; whose ambition was boundless, but whose intellect and abilities were of a mean and impracticable order, had now acquired a supreme influence over the king, whose temper, says Hume, was "virtuous and gentle;" but which all unbiassed historians consider rash, imprudent, and absolute. On the meeting of the last session of parliament, the king's vice-chamberlain, Sir Dudley Carlton, stated to the commons that if they should refuse the king supplies, he would be obliged to try "*new councils*;" adding, "I pray you consider what those new councils are, or may be. I fear to declare that which I conceive."

Charles having now dismissed both peers and commons, resolved to govern by "new councils," in which the principle and spirit of kingly prerogative were to preside with absolute authority. He had levied troops, and endeavoured to form a standing army; but they were very inferior in numbers to the militia, and they were miserably paid and wretchedly disciplined. In order to raise money, he appointed a commission to compound with the Catholics for the dispensation of the penal laws.*

* Rushworth, Franklyn, Whitelocke.

By this unpopular act he collected large sums of money. He commanded the nobles to lend him money; but their contributions flowed in reluctantly and niggardly.

He demanded 100,000*l.* from the city of London; but the citizens at once refused to contribute any loan whatever. The king was still under the obligation of treaties with Denmark and Holland against the emperor. The imperial general, in a desperate battle, routed the forces of the King of Denmark, the near relative of Charles. The latter wanted means to aid the former in his distress. Ship-money had been at one time levied for a popular object, and with the consent of the nation, by Queen Elizabeth. Charles now resorted to the same expedient; and by an order in council commanded the city of London to be rated for money to equip twenty ships. The same imposition was in like manner proportionably extended to all other maritime towns and their adjacent counties, in order to arm and equip a certain number of ships. By another edict of council, it was declared that the urgency of the king's affairs did not admit of the consent of parliament, and that a general loan should be levied, according to the rules of assessment under which the last subsidy was raised, and that this loan should amount to a sum equal to four subsidies. This absolute measure was not only enforced, but secret instructions were given to the commissioners, investing them with inquisitorial powers; and the clergy were instructed to preach in favour of the general loan.* The sermons of Main-

* In those instructions to the commissioners, it was directed that if any shall refuse to lend, or shall make delays or excuses, and persist

waring and Sibthorpe inculcated passive obedience, and represented the whole kingdom as the king's estate. They denounced all persons who refused to comply, as abettors of sedition and impiety. The Archbishop of Canterbury, having refused to license a sermon preached by Sibthorpe, was expelled to one of his country seats. Never could a monarch have perpetrated a more fatal act of imprudence than the enlisting of the ministers of religion on the side of compulsory taxation, without the authority of parliament. He could not have more effectually roused the spirit of the people, and especially of the Puritans, against his authority. Those who refused to contribute to the loan, or who denied the right to levy ship-money, were arrested and imprisoned. Those who remained in confinement without complaint, and applied by petition to be released, were by the king's act of grace discharged; others, however, were not only more unbending, but Sir Edmund Hampden, Sir John Corbett, Sir Thomas Darnel, Sir Walter Earl, and Sir John Heavingham, demanded their release, not as a measure of grace from the king, but as their undeniable birthright, under the laws of the realm.

They had been committed under no accusation, but by a warrant of the king and council; and they were refused either bail or discharge. They claimed to be tried or released, not only under the 29th chapter of *Magna Charta*, but under six other

in his obstinacy, that they examine him on oath whether he was dealt with to deny or refuse to lend, or to make any excuse for not lending? Who has dealt with him, and what schemes or persons were used to that purpose? And they shall also charge any such person in his majesty's name, upon his allegiance, not to disclose to any one what his answer was.—*Rushworth and Franklyn.*

statutes of parliament.* Those patriots were finally, at their own expense, and at great hazard, enabled to obtain a trial, which took place solemnly before the King's Bench. Charles considered that the chief justice, Sir Randolph Crewe, was unfit to maintain the royal prerogative, with regard either to the form of proceeding, or to the exposition of the laws. Sir Nicholas Hyde was substituted as a judge more obsequious to the royal pretensions; and he, with the other judges, remanded the prisoners, and refused bail, which was abundantly offered. The attorney-general even insisted that the judges ought to follow the example set in the thirty-fourth of Elizabeth,† and enter a general judgment declaratory of refusing bail in all cases of commitment by the king or council. This rash advice was, however, declined by the judges.

In order to punish those who either refused or procrastinated the payment of the loans, and also to avoid the expense of their food and lodging, the soldiers who had returned from Cadiz were billeted in different parts of the kingdom, within the private houses of those who were declared contumacious by the commissioners. The king also resorted to the arbitrary practice of impressing men for the army and fleet; and the persons most obnoxious to the royal prerogative were selected. Martial law was established under the pretence of curbing the licentious spirit of the soldiers.

In the midst of those difficulties, Charles declared war against France; and entrusted to the command

* 25, chap. iv.; 28, chap. iii.; 37, chap. xviii.; 38, chap. ix.; 42, chap. iii. of Edward III.; and 1st Richard II., chap. xii.

† State Trials, vol. vii., p. 147.

of Buckingham an expedition of 100 ships and 7000 men to sail in aid of the Huguenots. But the fleet returned, having effected no more than a descent on the Isle of Rhe, by which Buckingham lost two-thirds of his troops. Great discontent, as well as commercial distress, prevailed at this time in England. The people considered that their liberties were not only usurped by the king, but they knew that they were illegally taxed. They considered also that the failure of the expeditions—first, of that against Cadiz, and second, of that against France, disgraced them as a nation, and subjected England to the contumely of the governments and people of every other country in Europe. The obstinacy of Charles, and his sacrificing the interests and dignity of the country to the counsels of a favourite, without merit, reputation, or virtue, exasperated the people of England to a degree of dissatisfaction formerly unknown. The treasury was thoroughly exhausted, and not only the city, but the country, refused to contribute a loan. The war had destroyed the mercantile intercourse with Spain, France, and the Netherlands; and the revenue of the customs consequently diminished to an amount far below what it had been for a long period.

No course now remained for providing a revenue, excepting the expedient of summoning a new parliament. The king was both by principle and feeling averse to asking money from the commons, and especially to place himself in any way dependent upon the people. But his necessities induced him to give way, and it was decided in council that a new parliament should be summoned.

On the 17th of March, 1628, the third and all but one of the most memorable parliaments of this reign assembled. The members of the new House of Commons included all the great leaders of the last, as well as the richest commoners in the kingdom. It was computed that their wealth was three times greater than that of the House of Peers.*

Many of those members had been imprisoned and otherwise oppressed by the court; and the commons entered upon business with deliberate solemnity, determining to assert their privileges, and not to be awed by any king.

The conduct of Charles in his first speech proves how ill-fitted he was for a constitutional monarch, and how utterly hopeless it was either to rely upon his word or to expect any reasonable abatement of his absolute principles. "If," said he, "you do not your duty in contributing to the necessity of the state, I must, in discharge of my conscience, use those other means which God hath put into my hands. Take not this for a threatening, for I scorn to threat any one but my equals, but as an admonition from him who, by nature and duty, has most care of your preservation and prosperity."† Nor was the opinion, as delivered by the lord-keeper, more prudent or constitutional. He said, that in thus coming to parliament, "his majesty had chosen it not as the only way, but as the fittest; not because he is destitute of others, but because it is most agreeable to the goodness of his own most gracious disposition, and to the desire and will of his people. If this be deferred,

* Sanderson, p. 106; Walker, p. 339.

† Rushworth, vol. i., p. 447; Franklyn, p. 233.

necessity and the sword of the enemy will make way for the others. Remember his majesty's admonition. I say, remember it."

But the commons determined on every resistance until their grievances were redressed, notwithstanding the danger of a civil war, which might attend their dissolution. "This," said Sir Francis Seymour, "is the great council of the kingdom; and here with certainty, if not here only, his majesty may see, as in a true glass, the state of the kingdom. We are called here by his writs, in order to give him faithful counsel, such as will stand with his honour, and this we must do without flattery; we are also sent hither by the people, in order to deliver their just grievances, and this we must do without fear."

Sir Robert Phillips, in a remarkable speech, said, "We shall not, I trust, be hereafter slaves, for we are born free: yet what new illegal burdens our states and persons have groaned under, my heart yearns to think of, my tongue falters to utter." Sir Thomas Wentworth, who afterwards betrayed the people, observed that the king and ministers had introduced a privy council, chiefly to subvert the sphere of all ancient government,—for the purpose of "destroying all liberty, and of imprisoning us without bail or bond. They have taken from us—what shall I say? Indeed, what have they left us?"

All the speeches on this occasion are remarkable for reason, truth, clearness, and temper. A vote was unanimously agreed to, declaring arbitrary imprisonment and forced loans illegal. Five subsidies were voted to the king; but the commons resolved not to

pass the vote into a law until they obtained securities for their rights and liberties.*

The celebrated law called the "PETITION OF RIGHTS" was accordingly framed. Its provisions recapitulated a portion of the *Magna Charta* of the 25th of Edward I., and of the *statutum tallagio non concedendo*. It was declared that forced loans, benevolences, or any taxes without consent of parliament, arbitrary imprisonment, martial law, and billeting of soldiers, were illegal. The king endeavoured by dissimulation and by promises, to evade giving his sanction to this bill. But finding the commons inexorable, he at last gave the royal assent to that act, reluctantly pronouncing the words, "Let it be law as is desired."

He considered that the petition of rights was extorted from him, and he did not misjudge its importance, when he believed its effect to be equal to a revolution of the government. But any reservation of governing afterwards independently of this celebrated law, was a treasonable thought, and a falsehood, unworthy of a virtuous man, and a constitutional monarch. The commons, on obtaining this new charter of liberties, immediately paid for the contract by passing a law granting the king the five subsidies which had been voted. Soon after they resolved to present a remonstrance to the king, recapitulating all the national grievances, including, among others, the expedition to Cadiz and the Isle of Rhe, and numerous charges against Buckingham.

* Franklyn, pp. 251, 343; Rushworth, pp. 500, 513, 526; and Whitelocke, p. 9.

They next asserted that the levying of tonnage and poundage, without the consent of parliament, was illegal, and declared so by the petition of rights to which the king had assented ; but he, to prevent the commons proceeding further, entered the house abruptly, and prorogued the session. The king then determined to persevere in the war against France ; and Buckingham was sent to Portsmouth, to arrange the departure of the fleet with the army ; but he was a few days afterwards assassinated by a fanatic. The expedition, however, sailed for Rochelle, but returned without having afforded any relief to the besieged Hugonots.

Parliament met again on the following January, and the commons insisted on the king's relinquishing the duties of tonnage and poundage. Religious questions were discussed at the same time, and the Armenianism of the Church of England was denounced. The king still persisted in levying tonnage and poundage, and Sir John Elliot framed a remonstrance against levying those duties without the consent of parliament, but the clerk at the table refused to read it ; whereupon Elliot read it himself. The Speaker said he had a command from the king to adjourn the house, and put no question, and he then abruptly left the chair. He was put back into it by force, and held there until the remonstrance was passed by acclamation, declaring Papists and Armenians capital enemies of the commonwealth ; the illegality of tonnage and poundage ; and that all merchants who voluntarily paid those duties were public enemies and traitors to their country. When

the door was opened, a messenger from the peers rushed in, and by the king's orders carried the mace from the table. In a few days the king dissolved this parliament,* in which for the first time Oliver Cromwell appeared; and denounced *all those who spoke flat Popery*.

Regardless of the bill of rights, Sir Peter Hyman, Coddington, Long, Selden, and Strode, were committed to prison, on an accusation of sedition in the house. Sir John Elliot, Holles, and Valentyne were condemned to be fined, the two first, 1000*l.* each, and Valentyne 500*l.*; to be imprisoned during pleasure, and to find sureties for after good behaviour. Not one of those men would condescend to petition the king for a release from prison, and Sir John Elliot actually died in the Tower.†

Charles, after the death of Buckingham, may be considered as acting independently of any minister until Wentworth, in civil matters, and Laud, in the Church, acquired a fatal influence in his councils. In the year 1630, he ratified treaties with France and Spain; and he resolved to administer the affairs of the three kingdoms without any reference to parliament,—determining never again to meet a House of Commons. He also decided that, with regard to the continental states of Europe, his policy should be that of neutrality and non-intervention. * But he, however, agreed to furnish Gustavus Adolphus with 6000 troops; although he disguised this breach of neutra-

* 10th March, 1629.

† Rushworth, vol. i., pp. 661, 681, 684, 691; Parliamentary History, vol. viii., p. 354; May, p. 13; Whitelock, p. 12 and 13; Kennet, vol. iii., p. 49.

lity by allowing the levy and the command of those forces to be made by the Marquis of Hamilton as if they were raised, clothed, and armed by that nobleman. Meantime, the king devoted himself to that policy which he was resolved to pursue in administering the affairs of the nation.

His queen, although she appears to have had a partiality, if not love for Buckingham, became, after the death of that favourite, the person who chiefly influenced the king by her counsels. She was a woman of spirit, intelligence, and of keen perceptions, yet bigotted in regard to her religion, and of high notions as to prerogative. The beauty of her person, and the accomplishments of her mind, fascinated those who were admitted to court; and the king, who was an affectionate and virtuous husband, placed the utmost confidence in her opinions and advice. In political affairs she was, however, impetuous; and it is supposed that she often persuaded the king to commit rash and unwise acts.

On the year which followed the dissolution of parliament, the king called to his councils Sir Thomas Wentworth. This commoner was one of the leading members of the last parliament; and no one opposed the absolute measures of the king with greater ability, or more energetic and eloquent speeches. He advocated until his apostacy, the principles of liberty, for which the Puritans contended. He then became a sturdy advocate of the royal prerogative. His patriotism vanished, and was replaced by personal interest and private ambition. He was in a short time created a baron, next a viscount, and then Earl of Strafford.

He was appointed to the office of Lord-Deputy of Ireland and President of the Council of York ; and from the day of his apostacy until his death he was considered the principal counsellor and prime minister of the king.

His family was of respectable standing, since the Conquest, in the West Riding of Yorkshire. He was born on the 13th of April, 1593, in Chancery-lane, in the house of his maternal grandfather, a barrister of Lincoln's Inn.

After finishing his education at St. John's College, Cambridge, he married, and in 1610, accompanied by a governor, Greenwood, he visited Paris. He remained a year in France ; on his return he was knighted by King James, and appointed a justice of the peace and keeper of the records of the West Riding of Yorkshire. He was soon after elected to represent that county in parliament, and speedily acquired a celebrity for the bold independence of his speeches in defence of national freedom and religion ; and he became the declared enemy of Buckingham, and the intimate friend of Hampden. When the parliament of 1625 was suddenly dissolved, the king, in order to disqualify him from being returned at the next election, appointed him High Sheriff of Yorkshire. He refused to contribute to the general loan, in consequence of which he was imprisoned, and afterwards banished. On his return he was elected a member of the parliament of 1628, in which he proposed, supported, and voted for the petition of rights. No man knew better the strength, the designs, and the sentiments of the Puritans ; and

he, like Hampden and Pym, as well as all that party, cherished in spirit and in language the most reprehensible intolerance against the Church of England, the Roman Catholics, and the Armenians. Although he was naturally choleric, unforgiving, and cruel, he could arrange his plans with extraordinary clearness and plausibility. His moral and personal courage were superior to all dangers; and his speech was eloquent, forcible, and logical.

After his apostacy, and taking office, his administration in Ireland was vigorous, effective, and unscrupulous. He formed a standing army in that country; and even in England he projected the institution of a powerful standing army as the engine by which he could render the king absolute. Like all apostates, he manifested a spirit of revengeful animosity towards his former friends, and to those who were disposed to resist his policy. The absolute monarchy of France was the model in accordance with which he proposed to destroy all political and religious liberty in England, and to establish a tyrannical despotism in the person of the king over both Church and State. He gave his project the radical name of "THOROUGH," but his radicalism, unlike that of a thorough extirpation of the abuses which afflicted the people, aimed at the annihilation of all public and religious liberty. Having carried "Thorough" into effect in Ireland, he boasted that he had rendered Charles as absolute in that country as any prince in the world could be.*

* See letter to Laud, 16th December, 1664.—*Ratcliffe's Collection.*

The affairs of the church Charles committed to William Laud, Bishop of London, afterwards Archbishop of Canterbury. The tendencies of this prelate were antagonistic to the Calvinistic doctrines, which were introduced in the articles of the Church; and he exhibited in the ceremonies a practical tendency towards the forms and observances of the Church of Rome. He approved of holidays, and acquiesced in the pompous ceremonies and dramatic attractions of that Church. He denounced the marriage of priests; demanded the reverence of the laity for the ecclesiastics; laid great stress on the observance of vigils, and the reverence due to consecrated places. But this prelate was a man of mean understanding, of shallow views, of intolerant sentiments, and greatly inclined to persecution. He was supercilious and malignant, excitable and rash. His agents penetrated into all congregations and families in search of separatists and nonconformists; and he reported to the king that he and the other bishops had succeeded in bringing to conformity every dissenter within their respective provinces.*

With the aid of Wentworth and of Laud, with the courts of Star Chamber and High Commission, aided by the advice of the lord keeper, Finch, who proposed ship-money instead of ships, Charles resolved to govern the kingdom as an absolute monarch.

He had permitted Laud not only to persecute the separatists, but to introduce innovations in the Church nearly approximating to the ritual and cere-

* Report to the king, 1639.

monies of the Church of Rome.* So far did he carry those forms and ceremonies, that the Vatican began to rejoice, and the Pope actually offered him twice a cardinal's hat; but which he declined to accept, as there "dwelt something within him which would not suffer his compliance, till Rome were other than it is."† The ceremonies performed by Laud became attractive, especially to ladies of fashion, who detested all Puritanism; and who would willingly go back to the dramatic fascinations of the Romish Church. When the daughter of Lord Devonshire, who was one of the ladies of Henrietta's court, embraced the Romish faith, she remarked to Laud that her reason for doing so was chiefly because she "hated to travel in a crowd; for," continued she, "I perceive that your grace and many others are making haste to Rome, and therefore, to prevent my being crowded, I have gone before you." In consecrating a church which stood on the site now occupied by St. Katherine's Dock, Laud approached towards the west door, and cried out with loud intonation, "Open! open! ye everlasting doors, that the king of glory may enter in!" The church doors immediately flew open, the prelate entered, fell upon his knees, and with spread arms and raised eyes, he exclaimed, "This place is holy ground; in the name of the Father, Son, and Holy Ghost, I pronounce it holy." He then moved

* It is somewhat remarkable that the approaches which Laud made to the Church of Rome, which he always termed "Mother Church," resembled in a great degree those which have recently been attempted by the Tractarian clergy of the Church of England.

† Rushwood, vol. ii., p. 190, and vol. iii., p. 132; and Wellwood, p. 62.

on towards the chancel, and gathering some dust from the floor, threw it into the air, and continued bowing with his attendants until they reached the communion-table. After performing other ceremonies, the company marched round the church exclaiming, "We consecrate this church, and dedicate it unto Thee as holy ground, not to be profaned ever more to common uses." He then at the communion-table, pronounced anathemas upon all "who should ever afterwards pollute that holy place by musters of soldiers, profane law courts, carrying burdens through the grounds; and at the end of each curse he made genuflexions towards the east, crying loudly, "Let all the people say, Amen!"* Having finished his anathemas, he next pronounced a shower of blessings on all who had contributed money, chalices, and other articles of plate for the church; or who had aided in money or otherwise the building, completing, and consecrating of that holy edifice. A sermon was then preached, and before proceeding to administer the sacrament, the communion-table, which since the Reformation had stood in the middle of the church, was placed against the wall at the east end, railed in and designated an altar. The form of walking to this altar, by the priest who wore the embroidered vestment called "Copes," was then introduced. Bread and wine was placed on the altar, in approaching which Laud bowed seven times. After reading prayers, he

* If the anathemas of this prelate could have any effect, what would become of the ships, their cargoes, their crews, the custom-house officers, warehousemen, and merchandise who have for several years occupied that consecrated ground? Even the church and all its materials were taken away to make room for the profane uses of navigation and trade.

lifted off the napkin which covered the bread, retired two or three steps, and then advanced, bowing three times towards the bread, and then seven times. Having touched the cup and looked at the wine, he retreated as before, and advanced again, bowing three times; he next raised the lid of the cup, and bowed over the wine; laid down the cover and retired, and again advanced and bowed. He then partook of the sacrament, and administered it to all around him. After prayers he declared that the walls, the floor, and the roof of the church were consecrated, and for ever after to be considered holy.* He also introduced the crucifix, and other Romish insignia of consolation and attraction.†

Soon after he decided upon prosecuting such of the ecclesiastics as declined to observe in their churches all the ceremonies which he had prescribed. The wardens were bound by oath to inform against any one who disregarded the ecclesiastical canons and ceremonies, and many of the clergy were deprived of their benefices by the court of high commission. This prelate even carried his intolerance into the army and directed that those observances should be enforced upon the English trading companies; and in regiments which were employed in foreign countries. Orders in council were then issued, prohibiting all preaching and printing on the questions of predestination and free will. Ecclesiastical courts were held by the bishops, independently of the royal

* Rushworth, vol. ii., pp. 76, 77, 207; Whitelocke, p. 24; Franklyn, 386; Wellwood, p. 275.

† Rushwood, vol. ii., p. 272, 273.

prerogative. The fathers of the Romish Church were searched for the purpose of introducing into the English service all the doctrines which inculcated the independence of the spiritual power from the control of the civil or temporal authority ; and these were ingeniously interpolated with the religious and political constitution of the Church of England. The right of private judgment was refused to profane laymen ; the priestly character was held to be sacred ; and Charles willingly gave up the ecclesiastics that prerogative in spiritual matters of which he was so tenaciously jealous in all political and civil affairs.*

The king having received the laudations of the clergy, who in every parish held up passive obedience to the royal authority, and who denounced independent and free institutions, proceeded to levy taxes in his own name by virtue of his prerogative. On this point even Hume admits, that "though humane and gentle in his temper, he gave way to a few severities in the Star Chamber and High Commission which seemed necessary, in order to support the present mode of administration, and repress the rising spirit of liberty throughout the kingdom." In regard to those courts and with respect to taxation, the king resolved that no hope of relief or protection from the parliament should afford the opportunity of any opposition from the Puritans or other malcontents. By proclamation he declared, "that whereas

* Although the severity of the court of high commission and the authority of Laud and the bishops had nominally extended conformity over England, it was not yet attempted to enforce the ritual and ceremonies of the Church in Scotland. It was reserved for a later day to make that fatal attempt.

for several ill-ends the calling again of parliament is divulged, though his majesty has shown by frequent meetings with the people his love to the use of parliaments; yet the late abuse having for the present driven him out of that course, he will account it presumption in any one to prescribe to him any time for the calling of that assembly.”*

Tonnage and poundage were levied with aggravated rates of duty, and with unusual severity. The farmers of that department were commanded by order in councils to break the bulk of cargoes; to search chests, trunks, and other packages; and to break into cellars, warehouses, or dwelling-houses, in search of goods upon which the duties had not been paid. The laws against the Catholics and recusants were not abolished; yet they were not enforced against those who compounded with the king by payment, which now formed a regular source of revenue to the Crown. Money was also exacted by a commission appointed to inquire into the defective titles of the occupiers of land. Charles also revived the ancient law which compelled persons of 20*l.* a year to receive knight-hood; and he, by commission, fixed the rates of composition, equal to not less than a tax of three subsidies and a half.† Each county was assessed for maintaining the muster-masters of the militia; and this, not by law, but by an edict of council. A stamp duty was imposed on cards, and monopolies of

* “Parliamentary History.” Rushworth, vol. ii., p. 3. Clarendon, vol. i., p. 4. May, p. 4 and 16.

† Rushwood, vol. ii., p. 72 May, p. 16.

soap, leather, salt, and many other articles were also revived.

As Yorkshire and several of the northern counties contained several of the most stubborn patriots, when Wentworth was made president of the council of York, those counties were placed under an irregular and arbitrary authority, and were, in fact, left without the protection of the ordinary law courts. The Court of Star Chamber may also be said to have overruled the jurisdiction of all courts, except that of the council of York; and, contrary to statute law, that despotic tribunal imposed heavy fines and inflicted cruel punishments. Pryne, a man who carried ideas of puritanism as far as to denounce the most harmless amusements, with the most ridiculous prejudices, wrote a large book full of absurdities, for which he was condemned to stand in the pillory, both in Westminster and Cheapside; to have both his ears cut off close to his head; to pay 5000*l.* as a fine to the king; and to be imprisoned for life.* A book, entitled "An Appeal to the Parliament or the People," against the prelacy, was written by Dr. Leighton, for which he was twice publicly whipped, and, after standing two hours in the pillory, had his nostrils slit, his cheeks branded with a hot iron, marking the letters, "S.S.," or "Sower of Sedition." His ears were then shorn off, and he was cast into prison, where he lingered for ten years, until he was released by the Long parliament, when he was found to have lost the use of his limbs, his hearing, and his sight.

* Rushwood, vol. ii., pp. 220, 221, 223.

One of the London magistrates, Alderman Pennington, was fined 2000*l.* by the Star Chamber for merely saying that "merchants were more screwed and wronged in England than in Turkey." For attempting to persuade an acquaintance or friend from compounding with the commissioners of knighthood, Sir David Fowlis was fined 5000*l.*

The king, Wentworth, Laud, and the High Church dignitaries, the Crown lawyers, and the courtiers, resolved to mortify the Puritans and the Separatists, as if by contumely, the pillory, fines, and prisons, they could destroy either their religious tenets or their political principles. An edict of council was issued and ordered to be read by the clergy, after divine service, allowing various recreations and sports on Sunday to all who attended public worship.* Any clergyman who refused to obey this order was suspended or deposed by the Court of High Commission. Wakes and other popular religious festivals were also revived in the Church at this time.

Charles visited Scotland in the year 1633, and held a parliament in that kingdom, for the purpose of obtaining a grant of money, and to introduce the surplice into the Scottish Church. But finding much opposition, he was content to pass an act for ordering the kind of habits to be worn by clergymen. On his return to England, Laud was raised to the dignity of Archbishop of Canterbury. On the following year the king proceeded to levy ship money not only in the seaports, but in every county in the kingdom.

* Rushworth, vol. ii., pp. 191, 193; Franklyn, p. 437; May, p. 2.

The whole amount imposed was 236,000*l.*; and were it not for the illegal authority by which this tax was levied, its amount was far from oppressive, and would not have justified that spirit of opposition, which was now about to be roused into action against the royal prerogative. In order to raise money, the king did not think it beneath his dignity to accept sums in the shape of compensation from any one against whom either the Star Chamber or the Court of High Commission had proceeded. On it being reported that Sir Giles Arlington had married his niece, he was compelled to pay 12,000*l.* to the king; and to give security for 20,000*l.* not to cohabit with her. The soapboilers paid him 10,000*l.* for a monopoly; and the starchmakers, 3500*l.* annually.

Penalties were enforced against lords and gentlemen who did not reside on their estates; and who drove heavy carriages, as injurious to the highways. But all the king's subjects were allowed to travel on the payment of a fine to the Crown. Seven lords, sixty baronets and knights, and one hundred gentlemen were prosecuted by the Star Chamber for disobedience of the proclamation which ordered them not to resort to the city of London. 30,000*l.* was exacted from persons who had converted arable lands into pasture since the 10th of Elizabeth; and on pretence of having encroached upon the royal forests since the Norman period, several noblemen were subjected to heavy fines: among others, Lord Salisbury, who had to pay 20,000*l.*; Lord Westmoreland, who had to pay 19,000*l.*; and Sir Charles Hatton, who had to pay 12,000*l.* Dr. Juxon, upon whom the

king conferred the bishopric of London, was also appointed lord treasurer in 1636, which gave great offence to the laity, as no churchman had filled that post since the Reformation. Every publication at this period which contained a single word favourable to liberty, was brought under the cognizance of the Star Chamber. John Lilburne was fined 5000*l.*, pilloried, and whipped from Fleet-street to Westminster Hall; and was then thrown into prison. Pryne, who was still in prison, was again pilloried, and fined 5000*l.* Burton, a clergyman, and one Bastwick, were each fined 5000*l.*, pilloried, their ears shorn off, and imprisoned for life. In the case of Mr. Chambers, who disputed the legality of ship-money, the twelve judges gave it as their unanimous opinion that it was lawful for the king to levy that tax. But Mr. Hampden this year refused to pay it; and in April, 1637, his case was argued before the judges in the Exchequer Court, into which he was dragged; and he was adjudged to pay twenty shillings.* In the mean time, the kingdom was ruled with a despotism so cruel and unrelenting, that the Puritan leaders, and many others of that sect, resolved to leave the kingdom and settle in the wilds of America, in order to enjoy their civil liberty and religious freedom.† Several had escaped and had landed in the country called New England; and if the king, Wentworth, and Laud had been men of wisdom, they would have encouraged the emigration of the Puritans rather

* Four of the judges spoke in favour of Hampden.

† See a brief account hereafter of the settlement of America.

than have attempted to prevent their departure from the kingdom; but it was fortunate for the civil and religious liberties of this nation that a proclamation was at that time issued, forbidding his subjects to settle in America; and that by an order in council eight ships were detained, which were ready to sail with all kinds of necessaries, and with a great number of Puritans, including John Hampden, Oliver Cromwell, John Pym, and Sir Arthur Hazelrig.*

Penalties continued to be inflicted. Williams, Bishop of Lincoln, was fined 10,000*l.* by the Star Chamber, suspended from his functions, and committed to the Tower, for offending Laud, who had in reality owed his promotion in the Church to Williams. He was again fined 8000*l.* in consequence of a letter written to him by one Osbaldiston, which contained the words, "a little great man," and "a little urchin," which Laud interpreted as applying to himself. The writer was condemned to pay 5000*l.*, and to have his ears nailed to the pillory, before his schoolhouse. But he escaped by flight, and left a note "informing all men" that he was "gone beyond Canterbury."

Charles having, with the proceeds of the ship-money and other taxes, greatly increased the number of ships in the royal navy, considered his fleet formidable. Sixty ships of war sailed in the British Channel, and by order of the king captured many Dutch herring busses; but they were released on the payment of 30,000*l.* for a license to fish during that year. The English merchant vessels being frequently intercepted by the Saltee rovers, a squadron was sent

* Rushworth, vol. ii., pp. 409, 418.

against those pirates, which succeeded in destroying Sallee.

Charles and Laud now considered that the time had arrived for imposing the liturgy of the Church of England—or rather a special liturgy which nearly corresponded with it—on the Church and people of Scotland. This fatal and insane resolution was adopted a short time after Mr. Hampden's trial, when more than one-half of the English nation began to entertain the most serious apprehensions for their liberties; and, had it not been for the detention in the kingdom of Hampden, Pym, Cromwell, and others, and for this attempt upon the religious freedom of Scotland, Wentworth, in all probability, would have attempted to carry out his plan of "Thorough," and have established an absolute monarchy in England as well as in Ireland. In Scotland, the Church was considered as altogether independent of the civil authority; and its discipline, doctrines, and forms, unless consented to by the General Assembly, was considered beyond the authority of an act of parliament. Ecclesiastical canons for Scotland were promulgated as early as 1635, but they were not enforced. Easter Sunday, 1637, was appointed by proclamation the day for reading, for the first time, the service according to the episcopal liturgy at Edinburgh. The dean of that city in his surplice accordingly commenced the service. The bishop and many of the privy councillors were present, but the dean had scarcely begun, when the people shouted, "A Pope! a Pope! Antichrist! Stone him!" The bishop thereupon endeavoured to obtain a hearing; but on his ascending the pulpit a stool was thrown at

him. He and the council were grossly insulted, and it was with difficulty that the magistrates were enabled to clear the church and to shut the doors. A desperate tumult broke out in the streets ; and the bishop's life was only saved by his armed servants. In a short time the whole kingdom was roused into a combination against the liturgy, and on the 18th of October following, while the council were sitting at Edinburgh, the Bishop of Galloway was attacked in the streets, driven into the council-chamber, and the members of both the town council and of the privy council escaped with difficulty. Every pulpit in the kingdom sent forth invectives against antichrist; and remonstrances were made by the Primate of Scotland, and by the treasurer, Lord Traquair, to induce the king to withdraw his proclamation and his liturgy. Charles, however, persevered with obstinacy in the plan which he had prescribed. He refused to retract his scheme, and on the 19th of February, 1638, he issued a proclamation, in which he exhorted the people to obedience for the future, and to submit passively to the liturgy.

A protest was consequently presented by Lords Hume and Lyndsay, which act was the first countenance given by the nobility to the malcontents. A crisis had now arrived. Instead of tumult and riot, however, order was preserved by an assembly called "The Four Tables," which sat at Edinburgh. The first was the nobility, the second the gentry, the third the clergy, and the fourth the burgesses of Scotland. Those Tables, by the authority of the whole kingdom, drew up for their government a famous instrument called "The Covenant." This instru-

ment comprehended a solemn renunciation of Popery, and a sacred bond of union for defence and offence. Even the king's ministers and councillors in Scotland gave in their adherence.* Charles appears to have become alarmed; for he sent the Marquis of Hamilton to treat with the Covenanters. But he demanded that the covenant should be renounced; and on that condition he offered to suspend the canons and the liturgy, and to remodel the Court of High Commission.† The Covenanters had determined not to be allured by his declaration, nor to trust to a sovereign who held the royal prerogative superior to the royal word; and who had, in Church and State, notwithstanding the bill of rights, established absolutism in England. Hamilton was told that sooner than renounce the covenant they would renounce their baptism. Charles afterwards offered further concessions. He proposed a covenant of his own form for the Covenanters to sign; but this proposal was rejected. A General Assembly was held at Glasgow, in which sat many of the gentry as members and assessors. The covenant was adopted by this assembly; a resolution was passed utterly abolishing episcopacy; and accusations were preferred, charging the bishops with corruption, bribery, perjury, cheating, adultery, fornication, common swearing, drunkenness, gaming, breaking the

* Even Mr. Hume, in that deplorable and unphilosophical portion of his "History of England"—the reign of Charles I.—enumerates every one of the despotic acts which I have related in this brief account of the administration of that monarch. In reference to the Covenant, he observes, "The treacherous, the cruel, the unrelenting Philipp, accompanied with all the terror of the Spanish Inquisition, was scarcely, during the preceding century, opposed in the Low Country with more determined fury, than was now by the Scots the mild and humane Charles, with his inoffensive liturgy."

† Rushworth, vol. ii., p. 374; vol. iii., pp. 754, &c.; May, p. 38.

Sabbath, and *other crimes*; and the same were ordered to be laid before the Presbytery of Edinburgh, and read with solemnity in all the churches of Scotland.* It was thereupon declared by the bishops and the king's commissioner that the assembly was illegally constituted; and a proclamation was issued by the king dissolving it.

But the General Assembly not only disregarded this proclamation, but passed resolutions abolishing and declaring unlawful the high commission, the episcopacy, the liturgy, the acts and the articles of Perth; and demolishing the whole ecclesiastical establishment, with its discipline and ceremonies as instituted by James and Charles. The king's authority in Scotland appeared to vanish with the overthrow of the episcopacy, and the expulsion of the canons and liturgy.

It was some time before the Earl of Argyll joined the Covenanters. No one in Scotland was more highly gifted to become a popular leader than this nobleman. He was cautious, determined, inflexible; but neither obstinate nor unreasonable. The other most prominent and active leaders were Lords Rothes, Casilis, and Montrose, Lothian, Lyndsay, Loudon, Balmerino, and Lesley. Huntly refused to join them, and held out for the king. In a short time the Covenanters assembled armed forces, who were regularly disciplined under their commander, Lesley, a soldier of great abilities; and who, with several other officers who now joined the ranks of the Covenanters, had acquired great experience under

* King's Declaration, pp. 190 to 290; Rushwood, vol. ii., p. 787.

Gustavus Adolphus. In addition to the arms within the kingdom, both arms and ammunition were imported from Holland and other places. Leith was fortified; and persons of all ranks and sexes actually laboured in completing the works.

In May, 1639, Charles determined on invading Scotland. His fleet was formidable; and with 5000 land forces, under the command of the Marquis of Hamilton, he sailed for the Frith of Forth. Lord Arundel was entrusted with the command of 20,000 foot and 300 horse. Lord Essex was his lieutenant-general, and Lord Holland commanded the horse. The king summoned all the peers of England to attend him, and he joined the camp at Berwick in the end of May. The Scottish officers had higher military reputation and much greater experience than the English; and the commander-in-chief of the English army had never displayed either military or political ability. The Scottish army was equal in numbers to that of Charles, but far inferior in cavalry. They were, however, animated with religious zeal; and by the exhortation of their ministers, who in every pulpit in Scotland declared against all who "went not to assist the Lord against the mighty."*

But the leaders of the Covenanters, acting with extraordinary prudence, proposed a treaty with the king. Charles, however, considered that it was first necessary for him to reduce the rebels to submission and humility, if not to punishment. On the other hand, his army was not animated by loyalty or enthusiasm. They were retained only by pay as merce-

* Burnet's "Memoirs of Hamilton."

nary troops; and he dreaded the consequences of being defeated by the enraged army of the Covenanters. He therefore agreed to withdraw his fleet and army, on condition that within eight-and-forty hours the Covenanters should dismiss their forces and restore the forts which they had taken from the king, and that his authority should be at once acknowledged.

A general assembly and parliament immediately assembled, in order to adjust all causes of discontent; and the former body soon after voted episcopacy to be illegal in the Church of Scotland. Charles consented to allow that it was contrary to the constitution of that Church only; and while they declared the liturgy and canons to be Popish, he would do no more than simply abolish them. On their declaring the Court of High Commission tyranny, he also consented that it should be abolished. The parliament was convened on the breaking up of the assembly; but when it commenced to ratify the acts of the assembly, Charles imprudently ordered his commissioner, Traquair, to prorogue the legislature; a proceeding which immediately roused the Covenanters, and the war was recommenced. The king was unable, for want of means, to maintain his army; and his mercenary troops receiving no pay, soon dispersed over various parts of the country. The officers of the army of the Covenant, as well as the soldiers, when disbanded, were warned to hold themselves in readiness to reassemble on the first summons. The Scottish officers were no sooner required to reassemble than they appeared at their posts; and not only all the soldiers which they had previously com-

manded flocked around their standard, but many others joined. It was not until April, 1640, that the king was enabled to raise a military force; and he now found that it was impossible any longer to provide means for the defence of his authority, except by the expedient which, above all others, was to him the most disagreeable.

On the 13th of April, after an interregnum of more than eleven years, the parliament of England was assembled. The lord-keeper, Finch, laid the demands of the king for money and his general necessities before the commons, and adduced the generosity with which the Irish parliament had acted in granting subsidies when they had been applied to by the sovereign. But he failed to state that the parliament of that country was scarcely more than a committee of the king's nomination, and the mere instrument to pass such laws and levy such taxes as he dictated. The Puritans in England had opened communication with the Covenanters in Scotland; and the attempt which the king had made to enforce episcopacy on that kingdom had impressed the majority of the House of Commons with the conviction, that in granting monies to the king they would be furnishing him with the means of withholding the liberties which they claimed as their constitutional rights.

This House of Commons included nearly all the leading and public men of the kingdom; although they happen to be ill-defined by Hume, who says, "Being naturally composed of country gentlemen who came into parliament with all their native prejudices about them, and whom the Crown had no

means of influencing, could not fail to contain a majority of those stubborn patriots." They resolved, instead of diminishing, to multiply the necessities of the Crown, in order to obtain the liberties and rights to which they were entitled by the great charter, the laws of Edward I., and the petition of rights, which the king had so treacherously disregarded. Instead, therefore, of proceeding to grant subsidies, the commons began by inquiring into the conduct of the Speaker, who refused to put a question on the last day of the parliament of 1629; and they declared that his refusal, as well as the king's command, were breaches of privilege. The imprisonment and the penalties inflicted on Sir John Elliot, Hollis, and Valentyne, were next examined; the legality of ship-money debated; and all grievances were traced to the king invading the privileges of parliament; to the spoliation of the property of the people; and to the persecuting conduct of the sovereign.

Charles induced the peers to recommend the commons, for this time at least, that supply might precede grievances. The commons immediately voted that this unprecedented intervention on the part of the peers was a breach of privilege. Great ingenuity and flattering promises were used by the courtiers, and by several able friends of the king in the commons, to induce them to vote a supply of twelve subsidies; and the malcontents were invited to join in a mutual vote of confidence in the king. But there was one circumstance which could not be overcome. The question arose as to the length of time between the prorogation or dissolution of one parliament and the meeting of another; and between the last and

the present a lapse of twice the usual period had occurred.*

The commons knew well that the necessities for which the subsidies were demanded arose not from national, but from purely royal embarrassments; that the English were as fully entitled as, and had a more constitutional right than, the Scotch to a redress of all civil, ecclesiastical, and political grievances;—and that to vote money to the king, in order to establish monarchical despotism and ecclesiastical tyranny in England, was unjust and dangerous on the part of the House of Commons. They therefore determined, from an inherent jealousy and a present well-grounded distrust of the king, to adhere to the ancient rules of parliament, which laid down that grievances should in their discussions and votes precede granting a supply. The king had offered to abolish ship-money for a composition of six subsidies; and Sir Harry Vane, according to Clarendon, either by design or indiscretion, enraged the commons by telling them that the king would not accept less than twelve subsidies.

The king persevered in demanding a supply, the commons in refusing any until the grievances of the people were first redressed; and Charles rashly exhibited to the world his incapacity of mind and his violence of temper, by abruptly dissolving the parliament. The majority of the nation became exasperated, and the king, instead of attempting to moderate the general discontent, acted, in conjunction with his council, in committing further oppression. Two commoners, Bellasis and Sir John Hotham, re-

* Clarendon, i., pp. 134-235. Rushworth, iii., p. 1154.,

refused to give any explanation of their opposition in the commons, and they were thrown into prison. Crewe, the chairman of the committee on religion, was ordered to deliver up all petitions and complaints which had been received by that committee. He refused, and was sent to the Tower. A convocation of the clergy, which, except once in the reign of Queen Elizabeth, had never sat since the Reformation, was now revived, and imposed an oath on every clergyman, by which he swore to maintain the Established Church and its government, by archbishops, bishops, deans, chapters, &c. This assembly, with its various canons, were considered illegal. It may be observed that the people generally held the commons in great respect, while they considered the convocation at all times odious. On this occasion they were only protected from the populace by armed guards. Laud was attacked in the palace of Lambeth by about five hundred persons, and he was afterwards compelled to fortify that residence. About two thousand Separatists entered St. Paul's Cathedral while the Court of High Commission was sitting, pulled down the benches; and their popular cry was, "No Bishop! No High Commission!"

Having failed to obtain money from the parliament, the king obtained a contribution from the clergy; borrowed money from his courtiers and ministers, and from all others who, either from principle or favour, were induced to lend. 40,000*l.* was extorted from the Spanish merchants, whose bullion was lodged in the Tower. *Conduct* and *coat* money for the army was imposed on the counties; and the king • purchased all the pepper belonging to the East India

Company at a long credit; and it was sold at a great loss for ready payment. Ship-money was levied with increased severity; and it was attempted, but without success, to levy a forced loan from the citizens of London. Altogether, however, the king was enabled to raise between 300,000*l.* and 400,000*l.*, by which means he levied an army of 9000 foot and 2000 horse, which force he placed under the command of the Earls of Northumberland and Strafford, the latter being recalled for the purpose from Ireland, and Lord Conway. They marched against the Scots. A detachment of 4500, under Conway, at first prevented, with great bravery, the Scots passing, soon after, the Tyne at Newburn; but the royal forces were defeated by the Scots with great loss.

The whole English army, after this discomfiture, retreated, first to Durham and then into Yorkshire. The army of the Covenanters then occupied Newcastle, in which they preserved discipline and order, and paid for everything they required. Sixteen English noblemen were sent by the king to treat with eleven Scotch commissioners at Ripon. Petitions were in the mean time sent by numerous bodies to the king, asking for a parliament, and twelve peers presented petitions to the like effect. But instead of responding, the king summoned a great council of peers at York, the object of which was to levy supplies, by a vote of the peers, in defiance of the commons. Strafford succeeded to the command of the army, and advised the king to hazard all by military operations, rather than submit to the terms demanded by the Covenanters. The council of peers which had assembled, instead of undertaking the treasonable re-

sponsibility of levying money, recommended the king to convene a parliament.

On the 3rd of November, 1640, that memorable assembly, which will ever be recorded in the annals of Great Britain as the Long Parliament, entered upon those investigations which decided the fate of the constitution, the liberties of the kingdom, and the freedom of religion. The commons included members from all parts of England who were thoroughly acquainted with the sentiments and the principles of the people in their respective counties and towns; and they proceeded at once vigorously and efficaciously to enter—not upon the question of granting subsidies to the king—but unanimously to pass an act which would at once astonish the kingdom and convince the king of the energy of their decisions.

There was one man who was abhorred and feared in England, in Ireland, and in Scotland. His government in Ireland was throughout marked with that severity and activity which enabled him to establish an absolute authority. He levied taxes at will, making use of the committee, which he called a parliament, in order to grant him subsidies; and which enabled him to maintain an army of 9000 men—the instrument of the despotism which he had established. He compelled the Scotch who lived in the north of Ireland to renounce the covenant; and he proclaimed the Covenanters rebels and traitors. He was justly considered in Scotland the greatest enemy of that nation. During a government of eight years in Ireland, he drew forth the hatred of not only all the Irish themselves, but of the noblemen and families of English origin. In England he was ab-

horred and feared as an apostate and a traitor. He would gladly not have attended this parliament, and wished either to withdraw to Ireland or to remain in command of the army in Yorkshire ; but the king promised him protection against any attempt whatever on the part of the commons. Eight days after the meeting of parliament, Pym, in a speech of great power, brought forward the grievances of the nation, and enumerated each under its particular head. He contended that the king's ministers, and especially Strafford, had deliberately planned the subversion of the ancient laws, liberties, and constitution of the kingdom. He accused the latter of having, as the worst of ministers, by pernicious counsels seduced the best of princes from his virtues. He further accused the Earl of Strafford of holding the infamous pre-eminence of being the greatest traitor in the kingdom. As Lieutenant of Ireland, and President of the Council of York, he had erected monuments of tyranny, and promoted every arbitrary principle. Several other members followed Pym. The debate was carried on with locked doors ; and the house resolved that Strafford should be immediately impeached for high treason. None of the members present spoke a word in his favour.

Falkland, who was the bitter enemy of Strafford, however, generously recommended the house to consider whether it would not be more dignified to lay all the charges before a committee, rather than proceed to impeach him. Pym replied, that a day would probably destroy their hopes, and prevent them from proceeding further in the prosecution ; for that Strafford, on learning the enormities for which he was

accused, would procure a dissolution of parliament, or prevail on the king to attempt some desperate act; and that as the commons were only his accusers, the judges of those crimes would be the peers and friends of that nobleman.

The impeachment was then voted; Pym was deputed to carry it to the lords; and he was accompanied by a great number of the commons. Strafford, who had just entered the House of Peers, was immediately taken into custody. Among the other ministers of the Crown, not one was more obnoxious than the lord-keeper, Finch. He fled to Holland; but he also was impeached. Sir Francis Windibank fled to France. Laud was at the same time sequestered from parliament and sent to the Tower. All the sheriffs who had collected ship-money, all the farmers and officers of the customs, were declared delinquents; and the farmers of the customs were afterwards happy to compound by the payment of 150,000*l*.

The Courts of Star Chamber and High Commission were declared arbitrary; and all persons who had concurred in their sentences were also declared liable to legal penalties. The judges who had decided against Hampden in the trial for ship-money were charged before the peers, and compelled to find surety for their appearance. It was further declared that, in order to legalise ecclesiastical canons, the sanction of both Houses of Parliament was indispensable. The commons then turned to the question of monopolies, and it was found that several of those were held by members belonging to the court party. The commons voted that all members of that house

who were monopolists should be expelled. In a few weeks this parliament assumed nearly all the authority and prerogative of the Crown. Among the principal leaders of this assembly was Pym—a gentleman of great sagacity, long experience, disciplined mind, and powerful address. His character would have ranked him with the most virtuous and enlightened men of any age, if he had not cherished the religious intolerance of his party. He was now in the fifty-seventh year of his age.

John Hampden ranked second to Pym as the most fearless, honest, and popular leader in the commons. He was accused of mighty ambition; and of him Clarendon said, “he had a head to contrive, a tongue to persuade, and a hand to execute any mischief.” But this character is as unjust as it is illiberal; for although Hampden may have been ambitious, he was in all other respects disinterested. He was eloquent, it is true, but modest and brief in speech. His courage was undoubted, and his patriotism was never questioned. He always conducted himself with prudence; and he never advanced an unreasonable principle.

Sir Harry Vane was generous and enthusiastic, often sagacious and prudent; but not remarkably consistent, either in his religion or in his morality.

Hollis was remarkable for his patriotism and for the extremes of his impetuous character. He was frank as a friend or as an enemy;—violent in opposition, and sincere in his affections. St. John stood among the most dangerous, dark, yet ardent of their leaders.

Nor were patriots wanting among those who

ranked as Loyalists—the most virtuous of whom was Falkland. Hyde, Palmer, Digby, and Capel were Royalists who concurred in the impeachment of Strafford, Laud, and Finch. A revolution in the Church accompanied the independence manifested by the commons; and the report which Laud presented to the king that conformity was established throughout the kingdom, was soon falsified by the vast numbers who now preached and lectured in favour of puritanical doctrines in most of the churches. The freedom of the press was declared, and the speeches of the commons were now for the first time published and read throughout the country. The sentences against Prynne, Burton, Lilburne, Leighton, and others were reversed; and the judges were ordered to make reparation. The house then declared ship-money illegal; cancelled the sentence against Hampden; abolished the arbitrary Court of York; denounced compositions for knighthood; annulled patents for monopolies, and condemned these unjust restrictions on trade.

A petition, signed by 15,000 inhabitants of the city for an entire alteration of Church government, was presented by the member for London, Alderman Pennington. A bill was introduced into the commons prohibiting clergymen from exercising civil functions; one object of which was to deprive the bishops of seats in the House of Peers; but the bill was rejected by that house; and the effect was that another was almost immediately brought in for the abolition of episcopacy.

An act was passed soon after for demolishing all images, crucifixes, and altars. A committee of the House of Commons was appointed to inquire into the conduct of the clergy. It afterwards received the satirical name of "The Committee of Scandalous Ministers," and it cannot be denied that many of its acts were inquisitorial, arbitrary, and cruel. The surplice, the rails round the altar, bows on approaching the altar, Sabbath-breaking, lawn sleeves, the ring in marriage, the cross in baptism, were severally denounced with great violence by the commons.

The spirit of persecution against the Roman Catholics, and from which even Hampden was not free, began to be manifested in parliament. It appears that they had contributed towards the expenses of the king when he invaded Scotland,—which aid was looked upon as a great crime; and the Roman Catholic officers were removed from the army. The king was entitled to two-thirds of the lands of all recusants, but he had illegally compounded with them; and the commons resolved to put those laws against the members of the Roman Catholic faith into execution. Many other acts of intolerance and persecution were perpetrated.

Charles being now reduced to nearly a complete prostration of his authority, agreed to pass a bill which deprived him for ever of the power of levying, without the consent of parliament, either tonnage or poundage. Another bill was passed, enacting that a new parliament should be summoned at least once in three years; to which he with grief and reluctance assented. He also found it indispensable to dismiss his ministers, and to choose his new counsellors from the

liberal and popular party, including the Earls of Bedford, Bristol, Essex, Hertford, Warwick; Lords Saye, King, Bolton, and Saville.

Juxon, who had, contrary to his own wish, held the office of lord treasurer, resigned. It was intended to confer that office on Bedford, a nobleman highly esteemed for his wisdom and moderation. But he died soon after his being sworn in as a privy councillor. St. John was appointed solicitor-general; and it was intended to bring in Pym as chancellor of the exchequer, Hollis as secretary of state, Saye as master of the wards, Lord Essex as governor, and Hampden as tutor to the prince. But these and some other arrangements were prevented by the anxiety of Charles to save Strafford.

The trial of this nobleman was rendered famous from the mode in which it was conducted. A committee of thirteen members of the commons was appointed to join a committee of the lords. They were empowered to examine witnesses, and to prepare the charges against the accused. This joint committee were, by order of both houses, sworn to secrecy, in order to prevent Strafford from bringing forward a justification;—a course of proceedings inconsistent with a fair trial and impartial justice. Both houses of parliament sat in Westminster Hall, the peers as the judges,—the commons as the accusers; and the king and queen were also present. Never was there a prosecution in which the accusers had so extraordinary an advantage over one man. They had in their favour popular opinion. He had to contend with the animosity of the three kingdoms; and the public generally charged him with,

and believed him guilty of, the crime of high treason and many other enormities.

Strafford stood alone: he was unassisted by counsel; and in defending himself he rose in magnanimous dignity and moral boldness. Undismayed by the power of his adversaries, and by the prospect of a violent and ignominious death, he displayed great genius and sound reasoning in the arguments which he adopted on that solemn occasion. Nor can we deny, however arbitrary and cruel he may have been in the administration of Ireland, and as president of the northern council; and however despotic his advice may have been as a minister of the Crown, that high treason was not proved against him; that each of the twenty-eight articles of impeachment were exaggerated in their charges; and that the king was much more guilty than Strafford, whose acts were all authorised and approved of by his sovereign. And notwithstanding his severities, it must not be forgotten that Strafford was the first who actually established order all over Ireland. It was during his administration that manufactures of linen and other articles commenced, and that the general industry of that country began to prosper. Great improvements were made in agriculture; trade had increased so much that the customs yielded three times the former revenue, and he managed affairs with such economy, that he not only maintained a small standing army, but paid all the other charges of the Irish administration. It is stated that during the eight years of Strafford's administration the tonnage of Ireland increased a hundred-fold. A bill of attainder against him was read twice in the morning, and passed on the even-

ing of the same day by a majority of 204 to 59. It is remarkable that Whitelocke, who was chairman of the Committee of Accusation, in a journal never intended for the public, admired the conduct of Strafford; and that Lord Digby, who was the political enemy of the accused nobleman, condemned the hasty nature of the proceedings against him, which he termed "a downright murder."*

In his speech he said, "I am the same in my opinions and affections as to the Earl of Strafford. I confidently believe him to be the most dangerous, minister, and the most insupportable to free subjects that can be characterised; I believe his practices in themselves to be as high and as tyrannical as any subject ever ventured upon, and the malignity of them hugely aggravated by those other abilities of his, whereof God has given him the use, but the devil the application. In a word, I believe him still that grand apostate to the commonwealth, who must not expect to be pardoned in this world, until he be despatched to the other; and yet let me tell you, Mr. Speaker, my hand must not be to that despatch."† The reply of Strafford to all the charges of accusation was concluded in moving language: "My lords," said he, "I have troubled you longer than I would have done, were it not for the interests of these dear pledges a saint in heaven has left me (pointing to his children who stood near him, and shedding tears, he then proceeded). What I forfeit for myself, it is nothing, I confess; but that my indiscretion should ex-

* Nalson, vol. ii., p. 45; Rushworth, vol. iv., pp. 120, 124; Warwick, p. 113.

† Meaning the Bill of Attainder. Rushworth, vol. iv., p. 226.

tend to my posterity, wounds me to the very soul. You will pardon my infirmity; something I should have added, but as I am not able, therefore let it pass. And, now my lords, for myself I have been, by the blessing of God, taught that the afflictions of this present life are not to compare with that eternal weight of glory which shall be revealed hereafter; and so my lords—even so, with all tranquillity of mind, I fairly commit myself to your judgment, and whether that judgment be life or death, *Te deum laudamus*.”* Whitelocke writes: “Certain never any man acted such a part, on such a theatre, with more wisdom, constancy, and eloquence, with greater reason, judgment, and temper, and with a better grace in all his words and actions, than did this great and excellent person; and he moved the hearts of all his auditors, with few exceptions, to remorse and pity.” The commons, however, and the country were resolved that Strafford should die; and when the bill went up to the lords, so great was the dread of the popular fury, that only forty-five peers ventured to attend. The solicitor-general, St. John, on carrying up the bill, admitted that the testimony was not clear; but that the earl had no title to plead law because he had broken the law. “We give law,” said he, “to hares and deer, for they are beasts of the chase; but it was never yet accounted unfair or cruel to destroy foxes or wolves wherever they can be found, for they are beasts of prey.”† After the bill had passed the lords, the royal sanction was still to be obtained; and when Charles hesitated, Juxon alone, of all his counsellors, advised him not to give his assent unless his conscience approved of the

* Wellwood, p. 46. Rushwood, vol. iv., p. 659.

† Clarendon.

bill. In the mean time, Strafford wrote to the king "to put an end to his unfortunate, though innocent life, in order to stop the public tumults; for in this," said he, "my consent will more acquit you to God than all the world can do beside. To a willing man there is no injury; and as by God's grace I forgive all the world, with calmness and meekness, of infinite contentment to my dislodging soul, so, sir, to you I can resign the life of this world with all imaginable cheerfulness, in the just acknowledgment of your exceeding favours." The king, instead of standing with magnanimity in defence of the life of his minister, yielded to other counsels; and he sent Secretary Carlton to inform Strafford that necessity had extorted from him an assent to the bill of attainder. On receiving this message the earl appeared surprised, and exclaimed with the Psalmist, "Put not your trust in princes, nor in the sons of men; for in them there is no salvation." He walked from his room in the Tower to the scaffold on Tower-hill, stopping for a moment under Laud's windows to request his prayers. He then walked onward and ascended the scaffold with dignity and composure. He was attended by his brother and some friends. Before his execution, he said that he feared the omen was bad for the success of the projected reformation of the state, that it commenced with the shedding of innocent blood. He added, "And now I have nigh done. One stroke will make my wife a widow, my dear children fatherless, deprive my servants of their indulgent master, and separate me from my affectionate brother and all my friends. But let God be to you and them all in all. I thank God that I am nowise afraid of

death—nor am I haunted with any terrors, but do as cheerfully lay down my head this time as ever I did when going to repose.” His head was severed by one blow; and thus died, in the forty-ninth year of his age, the Earl of Strafford—one of the most able, eloquent, and accomplished of men; but one of the most despotic, energetic, and dangerous of ministers.

On the same day that Charles assented to the attainder for executing Strafford, he gave his sanction to a bill which rendered parliament perpetual. But neither the abolition of the Court of High Commission nor of the Star Chamber secured to him any confidence in the House of Commons. No tribunals were allowed to remain but such as took cognizance of common and statute law, and the king also acquiesced in the request of parliament to create patents which conferred the offices of the judges during good behaviour, instead of, as formerly, during pleasure.* This alteration went far to secure the independence of the judges, and to prevent the interference of the executive power with the course of the law. The Marshal's Court, in which offensive language was cognizable; the Stannary Courts, where the cases of miners were heard and judged; the Council of the North, or of York; and the Council of Wales, were also abolished. The collector of the market was an officer who had the control and inspection of all weights and measures in the kingdom. His functions were transferred to the mayor, sheriff, and ordinary magistrates of the towns and counties.

The parliament, before separating, paid off the

* May, p. 107.

Scottish army, which returned home; the arrears of the king's army were partially paid, and those troops were sent to their respective counties and then dismissed. On the 9th of September, 1641, parliament adjourned till the 29th of October, but a committee of both houses, with ample legislative powers, was appointed to sit during the recess; and Pym was elected chairman of the committee of the lower house. The king had previously left for Scotland; and he was attended on his journey by a small committee of both Houses of Parliament. This committee consisted of the Earl of Bedford, Lord Howard, Sir Philip Stapleton, Sir William Armitage, Hampden, and Fiennes, who were really spies upon the king's proceedings; and the commons attempted before his departure to elect a protector for the kingdom, with power to pass laws without reference to the king. At the same time, the king's daughter Mary was married to William, Prince of Orange, who became the parents of a prince, afterwards William III., King of England. The House of Commons not only paid the Scottish army all the arrears of twelve months' pay, but granted also 300,000*l.* to the Scotch "for their brotherly assistance."* This vote was ordered to be read in all the churches upon a day named for thanksgiving "for the ratification of the articles of national pacification."

On arriving in Scotland, Charles found matters scarcely more to his satisfaction than in England. The Bench of Bishops was abolished; the Lords of the Articles were set aside; a law for triennial parliaments had also passed; and naming the time and place of meeting was also transferred from the king to the

* Nalson, vol. i., p. 477. May, p. 104.

parliament. Nor could the king issue proclamations, or appoint any member of the privy council, any officer of state, or any judge, except by the advice and approbation of the Scottish legislature. He was compelled to remove four judges who had been his adherents; to supply their places by those dictated by the Covenanters; and he admitted several of the latter into his privy council. The members of the council of state and the judges were by law to continue in office during life and good behaviour.* Charles even attended the kirk, and heard with seeming patience the long prayers and Calvinistic sermons of the Presbyterians; and he granted pensions to several of the popular preachers. He created Argyll a marquis, Loudon an earl, and Lesley Earl of Leven. In England the king's party were now termed "Malignants;" and in consequence of an apprehension entertained in Scotland by Argyll and Hamilton, that a plot was laid by the Earl of Crawford to assassinate them in parliament, they suddenly retreated to their homes. This silly event was termed "The Incident;" and when the commons assembled in London on the 20th of October, they declared that the "Malignants" had plotted to murder them and all godly men in both kingdoms.

While the king was in Scotland a rebellion broke out in Ireland.† The Protestants at that time were not in number one-sixth part of the inhabitants. They consisted nearly altogether of the English colonists and of families of Scottish origin and birth, settled in the northern parts of the island.

* Burnet's Memoirs.

† Sir John Temple's "Irish Rebellion," p. 11.

The rebellion was contrived by one More, who sounded each of the chieftains separately, in order to exterminate the Protestants, and to establish the independence of Ireland. They seem to have risen in mass; they first plundered the houses, cattle, and other effects of the Protestants; and then commenced a general massacre, sparing neither young nor old, males or females, putting all to death by the most cruel tortures. Among other ferocities, they shut multitudes up in their houses, to which they afterwards set fire, taking care that none could escape from being consumed in the flames. The chief head and director of this outbreak was Sir Phelim O'Neale, and his barbarities were so horrible that More abandoned the cause and escaped to Flanders. The English in the open country were exterminated; the Scotch at first met with more favour, and most of them were enabled to escape with their lives. From Ulster the rebellion extended over the other provinces of Ireland; and with the exception of the English who escaped to Dublin, and who usually arrived in that city after having been stript of their clothes, scarcely a single English life was saved. In Dublin, in consequence of the poverty which was introduced, and other causes, disease broke out, and carried off great numbers. According to the most moderate account, more than 40,000 Protestants were massacred at this period. The English of the "*Pale*," or the descendants of the old English settlers, having adhered to the Roman Catholic religion, afterwards joined the rebels, and, headed by Lord Gormanston, their outrages and their cruelties were equally ferocious as those of the old Irish.

In the mean time, the committee of the House of Commons prepared and introduced a document called the "Remonstrance." Two parties now appeared, distinguished as Cavaliers and Roundheads, and out of those arose afterwards the distinction of Tories and Whigs, who have ever since formed, the one or the other, a ministerial party or an opposition in that house. It is remarkable, that several of those who afterwards became Royalists, voted for the attainder of Strafford, the impeachment of ministers, and the act which prevented the king from dissolving or proroguing the parliament.

Hyde, afterwards Lord Clarendon, had moved at the bar of the lords that Strafford should be kept a close prisoner. Falkland had impeached the lord-keeper, Finch. Digby had made a most powerful speech in support of the triennial bill. Colepepper had denounced the misgovernment of the king; and other supporters of the Roundheads were now remarkable for supporting the royal measures in the Long Parliament. Nor did the two parties ever coalesce except on three occasions. The *first* was to restore Charles II.; the *second* was to re-establish the constitution, by the change of government in 1688, conferring the sovereignty on William of Orange and Mary; and the *third* was that extraordinary coalition, in which the Tory party under Peel, and the Whigs, joined by the extreme Liberals in the House of Commons, abolished the oppressive and unjust taxes on corn and other articles constituting the essential food of man.

This last coalition, however, has divided the house into a great division of free-traders and protectionists,

some members of both claiming to belong either to the Tories, Whigs, or Radicals. The "Remonstrance" was a document which enumerated, in strong, fierce, and violent phraseology, all the real grievances and many false complaints. It was circulated throughout the whole country; and while it inflamed the nation, it at the same time contributed to form the two parties of Cavaliers and Roundheads.

The commons then passed a bill, which declared, in the preamble, "that the king's power of pressing men into the military service was illegal and contrary to personal liberty." The king offered to raise 10,000 volunteers, in order to elude this bill; but the commons considered that such an army would endanger their liberties. He was then so imprudent as to ask the House of Peers to pass the bill without the preamble. The peers refused, and the house remonstrated and passed a vote, declaring it a high breach of privilege, even for the king, to notice any bill when under the consideration of parliament. Soon after, it was declared that the interference of peers in the election of commoners was a breach of constitutional privilege. Riots occurred in London. The peers passed a vote against tumults, which they sent to the commons; but the latter refused to concur. Great disorder prevailed in the streets, especially in the neighbourhood of Westminster and Whitehall. The mob shouted against bishops and "rotten-hearted" lords. The bishops, not venturing to proceed to the House of Peers, protested against all laws, resolutions, and votes, passed during their absence, as null and void. The king unwisely approved of this declaration. The peers requested a conference with the commons; and the latter imme-

diately sent an impeachment of high treason to the upper house against the bishops, for endeavouring to subvert the fundamental laws of the kingdom and the authority of parliament. The bishops were then sequestered from their seats, and committed to custody. No one in either house spoke in their defence: one member said, "I do not consider them guilty of high treason; but, as they are stark mad, I shall vote that they shall be sent to Bedlam."*

Charles followed up the indiscretion of approving of the protest of the bishops, by another act of fatal imprudence. Lord Digby, formerly in opposition, the queen, and various courtiers, induced him to accuse of high treason, by his attorney-general, Herbert, at the bar of the House of Peers, Lord Kimbolton, Hampden, Pym, Strode, and Hazelrig, for having treacherously endeavoured to subvert the royal authority, the fundamental laws, and the peace of the kingdom. Numerous other charges were included in the impeachment. The serjeant-at-arms, with the king's warrant, entered the house, and demanded that the five members named by Herbert should be delivered into custody. He was sent back with no positive reply. The houses of the members were entered, and their rooms and trunks were locked and sealed. The commons declared the acts of the king violent breaches of privilege, and called upon all men to defend the persons and liberties of their representatives. The king resolved next day to go personally to the House of Commons, and seize on the persons of the accused members. This

* Clarendon, vol. ii., p. 355.

intention he intimated to Lady Carlisle, upon which she privately informed those members; and they withdrew before the king entered. Charles proceeded to the house, accompanied by 200 of his armed retinue, some bearing halberds, others walking swords. He entered alone; the Speaker left the chair, the members rose, and the king walked up and took his seat upon the vacant chair. He declared that, though he was careful of their privileges, yet, in case of treason, no person had privilege, and he must have those men wheresoever he could find them. But as he saw all the birds were flown, he expected that the house would send them to him as soon as they returned. When the king departed, several members cried out, "Privilege! Privilege!" and the house adjourned till next day.

The citizens remained the whole night under arms, and the accused members sought refuge within the walls. Charles went next day into the city, and told the mayor and common council that he entertained no design against the city, but that he was determined to prosecute certain men accused of high treason. On returning, he frequently heard the cry of "Privilege of Parliament! Privilege of Parliament!" and one man cried out loudly, "To your tents O Israel!" A committee of the commons was appointed to sit at Merchant Tailors' Hall, in the city, in order to inquire into the circumstances of the king's visit. The inhabitants of London and Westminster continued in a state of tumult. The commons appointed the mayor general of the city militia. The boats and small vessels on the river were supplied with small pieces of cannon; and the accused members were

conducted by a military procession to take their seats in the house. The king, abandoned by nearly all his supporters, mortified at the conduct of the commons, of the citizens, and of his pretended friends, retired to Hampton Court, to contemplate with remorse on the indiscretion which he had rashly committed. To retract was dangerous,—to proceed was desperate. Petitions numerously signed were presented to parliament, from London, Essex, Hertford, Surrey, Berks, and one from Buckingham was signed by no less than 6000 persons. A sturdy and turbulent class in London—the porters—to the number of 15,000, signed a similar petition, proclaiming the danger of religion, and promising to live and die in defence of the privileges of parliament. Others followed from all parts of the kingdom. The commons, if their measures were violent, acted with remarkable sagacity and confidence; for they were sure of the support of the people in whatever they projected; even to the abolition of the peers. In the upper house the king always had a great majority. The absence of the bishops lessened its numbers; and the house itself was overawed by the tumults and the general prevalence of public excitement. From the general desertion of the king's party in both houses, the "Pressing" bill, with its preamble, and the bill against the bishops, passed accordingly without difficulty; and the queen, terrified by the apprehensions of being impeached, persuaded the king to assent to those bills.

The commons then impeached Herbert for accusing the members who were obnoxious to the king; and they insisted on one of their own number being

appointed governor of the Tower. A bill was passed by both houses, restoring the offices of lords-lieutenant and deputies of counties; but as the names of the new lieutenants which were inserted in the bill consisted only of persons who were devoted to the Roundheads, and as the bill would enable them to subvert the royal authority in their respective shires, Charles delayed to give his assent to so dangerous an instrument.

He was at this time at Dover, where the queen and the Princess of Orange embarked for the continent. Instead of coming to London, or complying with the demands of the commons, he removed with his two sons to York. In that city he was joined by most of those who deserted him at London, and by great numbers of the nobility and gentry, and a body-guard for the king was raised by the county of York. The arms used on the invasion of Scotland were lodged in the garrison of Hull, together with ammunitions of war, in charge of Sir John Hotham. Charles endeavoured to enter, but the gates were shut against him by the governor. The king proclaimed him a traitor, but the parliament justified Hotham, who had been appointed by the commons.

Both Houses of Parliament voted that the king was induced by wicked counsel to make war against his parliament, and the command of the forces levied for Ireland were entrusted to the Earl of Essex. In London 4000 men was enlisted in one day. Each member of parliament subscribed a declaration to live and die with their general. This occurred in the beginning of June, 1642. Orders were then issued

for loans of money and plate, in order to maintain forces for the defence of the king and both Houses of Parliament, for the king was still included in the proclamation and acts of the legislature. The amount of plate received at the parliamentary treasury, within ten days, was so great, that many had to take back their gifts, as there was no room to contain the whole contributions. The lord-keeper, Lyttleton, in the mean time, escaped with the great seal to York, and at the same time about one-third of the commons retired from the house. The queen having sold her jewels in Holland, was enabled to send a cargo of arms and ammunition to the king, who now resolved to subdue the parliament by force. He left York, and marching with the troops which he had collected, he reached the Castle of Nottingham, where he raised the royal standard as a signal of war against the parliament. He was joined by the principal nobility and gentry. The parliament was supported by the city of London and most of the large towns, and was also joined by the lord-admiral, the Earl of Northumberland; and the Earl of Warwick, who was appointed lieutenant of the fleet, which was now altogether under their authority. A great portion of the arms and ammunition sent from Holland was intercepted by some English ships; and the king was at first so unsuccessful in procuring arms and raising forces, that he was urged by his counsellors to attempt a reconciliation with the commons. Meantime, the governor of Portsmouth surrendered that place, which was the best fortified in the kingdom, to the parliamentary forces.

The attempts at reconciliation with parliament having failed, Lords Hertford, Seymour, Poulett, and Digby, and Sir Francis Hawley, raised and embodied forces in the west of England, but they retreated before the Earl of Bedford. The Earl of Essex marched with 15,000 men towards Northampton. The king retired from Nottingham to Derby, and then towards Shrewsbury; and at Wellington, within a day's march of Shrewsbury, he collected all his forces, and the military orders were read out to each regiment. The king at the same time made a solemn declaration to maintain the Church of England, the just privileges and freedom of parliament, and the old statutes and customs of the kingdom. He then marched to Shrewsbury. He was joined some time before by his nephews, Princes Rupert and Maurice, sons of the Palatine. The command of a body of horse at Worcester was entrusted to Rupert, and the first action of this civil war was a skirmish, in which that prince attacked a body of cavalry commanded by Colonel Sandys, who was mortally wounded, and his troop routed. The king then marched south; and the battle of Edgehill was fought on the 23rd of October. By the treachery of Fortescue, the left wing of the parliamentary army was routed by Prince Rupert. But the king's infantry was attacked by Essex's reserve with great slaughter, and before night both armies retreated. It is said that 5000 men fell at Edgehill, in which neither the king nor the army of the parliament could claim the victory. 500 prisoners were captured by the king at Bradford, and hostilities then ceased for the winter. Early in the year 1643 fruitless negotiations were opened at

Oxford. On the 15th of April, Essex besieged Reading with 18,000 men, and in a few days that fortified town surrendered, on condition that the garrison should be allowed to march out under arms. In the north of England, Fairfax commanded for the parliament, and Newcastle for the king; and a decisive battle was fought between them at Tadcaster, and won by the Royalists. The king's authority was generally established in the northern counties, and after the battle of Tadcaster various skirmishes followed. The Royalists were victorious in the west of England, and the inhabitants generally were reduced to obedience. An important victory was gained by the king's forces at Streatham; and on the 5th of July, a pitched battle, in which great numbers were slain, was fought at Lansdowne, near Bath. The Royalists gained a victory eight days afterwards at Roundway Down, near Devizes. Essex now determined to remain on the defensive.

In a skirmish with Prince Rupert, Hampden was mortally wounded on Chalgrove Field. He died a few days afterwards, suffering excruciating pain. The death of this virtuous patriot was a greater loss to the parliament than if their whole army had been vanquished. Had he lived, it was believed by his contemporaries that Cromwell would never have risen to the supreme authority; and that Hampden never would have consented to the execution of the king. The character of Hampden is eulogised as perfect by his partisans; and though he has generally been respected by his opponents, they have asserted that his republican principles were so ardent, that he would not have hesitated to involve the kingdom

in the calamities of civil war in order to destroy the royal power. But this accusation appears unjust. He rose a regiment of infantry, and fought in defence of liberty rather than against the king; and though Hume asserts that his intended emigration to America, where he could only possess the advantage of enjoying prayers and sermons, was a proof of the prevalence of the puritanical spirit in him, he elsewhere admits that he was perhaps less infected with this spirit than any of his associates, "though he appears not to be altogether free from the infection."

Of all the officers who accepted military command under the parliament, Hampden alone joined to the abilities of the statesman the genius of a military captain, and the Royalists exulted at the death of this eminent personage. In parliament he commanded the respect of the proudest Cavalier. No one dared to attack his honour, or to doubt his integrity. In debate, he was not only eloquent, but courteous and logical; in conversation he was affable, polite, and cheerful; in council, he was sagacious, vigilant, and impartial. He never abated his ardent zeal for political and civil liberty, and, according to the tenets of the Puritans, for religious freedom; but he transgressed the principles of moral impartiality, by cherishing intolerance towards the Church of England and the Roman Catholics. With the exception of this blemish, we may justly say that a man of purer character than John Hampden has never graced the pages of history.

Shortly after, Nathaniel Fiennes, who for some time bravely defended Bristol, surrendered that city

to Prince Rupert. Gloucester was then besieged, and so ably defended by an adventurer named Massey, that it held out until relieved by Essex, but not until the city was reduced to extremities for want of provisions and ammunition. The battle of Newport was fought on the 16th of September, 1643; and after great loss both armies retreated. In this battle Lucius Carey, Viscount Falkland, fell. The death of this accomplished Royalist was as great a loss to the king as the death of Hampden was to the parliament. An advocate of public and personal liberty, he joined the king, not as an apostate, but in consequence of the extreme and often unreasonable and furious proceedings of the Puritans; and if we are to believe the accounts given of him by his contemporaries, there were but few men graced by more admirable virtues, or whose character was less stained by vicious blemishes.

In the north of England, the forces raised by the Marquis of Newcastle repressed for a considerable time all opposition to the king's authority. But two men now arose in the parliamentary army who began to retrieve the fortunes of the Roundheads. Thomas Fairfax defeated a brigade of Royalists, and captured General Goring. Cromwell defeated at Gainsborough the forces under Cavendish, who fell in the action. The defeat of a division of the parliamentary army at Atherton Moor, under Lord Fairfax, the father of Thomas, was, however, nearly fatal to the parliamentary cause in the north; while Newcastle at the same time, with 15,000 men, besieged Hull. Hotham, the governor of that garrison, and his son, having been discovered in a conspiracy

with Newcastle, were arrested, carried to London, and summarily executed; and the new governor sallied out and attacked Newcastle, who was compelled to retreat. Cromwell and Fairfax at the same time, aided by Manchester, defeated the Royalists at Horncastle.

In Scotland a curse was thundered from the pulpit against all those who advocated neutrality in the civil war which now raged over England. Commissioners arrived at Edinburgh from London, whose leading spirit was Sir Harry Vane, the younger; and he acted with the Scotch in framing the celebrated "SOLEMN LEAGUE AND COVENANT," by which all who subscribed it engaged to defend each other; to extirpate popery, prelacy, superstition, heresy, schism, and profaneness; to uphold the privileges and rights of parliament, together with the king's authority; and to bring to trial, justice, and punishment, all malignants and incendiaries; to maintain the reformed religion in Scotland, and to endeavour to effect the reform of the Church in England and Ireland, after the example of the purest Churches, and according to the word of God. By the "purest Churches," the Scotch imagined that Vane meant that of Scotland; but he had very different views. In a short time a Scotch army of 20,000, commanded by their old general, the Earl of Leven, entered England. The Scottish troops who had been sent to Ireland had been recalled, and were enrolled under Leven.

Meantime, Ireland continued in a state of turbulence and rebellion. A council sat at Kilkenny, which governed the Irish; and towards the end of

the year a cessation of arms was concluded by Ormond with that council. A number of the Irish Roman Catholics, who were some time before embodied in the royal army under Prince Rupert, committed enormous cruelties; and the parliament ordered that no quarter in battle should be given them. Prince Rupert, however, retaliated, and those cruelties terminated.

In the beginning of the year 1644, Hull alone remained in the occupation of the parliamentary forces in Yorkshire; and the other northern counties were reduced to obedience by the Marquis of Newcastle. In the west of England, Plymouth held out and bravely resisted a siege by Prince Maurice. The king summoned a parliament at Oxford; and about 140 members assembled in the commons, being about one-half the number which were congregated at Westminster. The House of Peers at Oxford, however, was numerously attended. Two parliaments thus sat in England at the same time; and both imposed taxes to be levied, where they could carry their collection into effect. The Long Parliament this year imposed, for the first time, the inland duties on commodities, known ever since as an *excise*. Those duties were levied upon beer, wine, and various other articles. The king's parliament imitated the financial proceedings at Westminster; besides which, he attempted to raise money under privy seals, which were countersigned by the Speakers of both houses.

A ridiculous and unprecedented tax was decreed by the Long Parliament, which commanded the citizens of London and the suburbs to eat one meal

less each week, and to pay its value into the exchequer. It yielded a considerable revenue.

The parliament suffered this year a great loss by the death of John Pym—a man whose abilities, boldness, and integrity was acknowledged by all parties; but he was detested as well as feared by the Royalists, while he was extolled as the most virtuous and unblemished of republicans by his own party. He had devoted his energies and his whole mind to the cause which he had embraced, and had utterly neglected his pecuniary affairs. The parliament, out of gratitude, paid his debts and the expenses of his public funeral at Westminster.

Towards the end of January, the forces which were employed in Ireland landed in North Wales, and marched into Cheshire, where they were routed by Fairfax; and in the month of April, Fairfax and Sir Thomas Glenham, who commanded the Scottish army, invested York. Rupert soon afterwards drove the parliamentary forces from Newark; but Waller, commanding the parliamentary army, defeated 14,000 Royalists under Hopetoun, at Charrington, in Kent. Lincoln shortly afterwards surrendered to Lord Manchester, who being joined by Fairfax and the Scots under Leven, laid siege to York, which was defended by Newcastle. But on the approach of Prince Rupert, with an army of about 20,000, the Scots and the parliamentary forces retreated to Marston Moor. Contrary to the advice of Newcastle, Rupert attacked the combined forces at Marston Moor. Cromwell commanded the left wing of the parliamentary army. He had disciplined those forces to an extraordinary degree of regularity and

obedience; and he animated them with a confidence in himself, and a zeal for religion and for the parliament, to conquer or to perish in this battle. Fairfax and Lambert commanded the other wing; but, although they fought with extraordinary bravery and enthusiasm, and broke through the Royalists, they were afterwards compelled to retreat; and their baggage and ammunition of war would have been taken by the enemy, if Cromwell had not come to their rescue.

The fight, which now became desperate, and in which great numbers fell on both sides, terminated by Cromwell putting to rout Rupert's division, and capturing his whole train of artillery. In consequence of the rashness of that prince, Newcastle, one of the most accomplished men of the age, naturally disinclined to war, and disgusted at the treatment which he had received, abandoned the royal cause; but not to join the parliamentary forces. He withdrew to Scarborough, and hired a vessel which carried him to the continent of Europe, where he lived in poverty until the Restoration. Glenham, who had vigorously defended the city of Newcastle, was appointed to succeed the Marquis of Newcastle in the command of York, but he was compelled to surrender that city in a few days to Lord Fairfax. Lord Callander advanced with 10,000 additional troops from Scotland, and joined the original Scotch army. They besieged, and in a short time stormed, the city of Newcastle. The brigade under the command of Waller was defeated by the king's forces, near Banbury; and in the west of England, the infantry under Essex, with the

artillery, ammunition, and baggage, surrendered to the king, and they were disarmed and dispersed. Essex and some of the principal officers escaped in a boat to Plymouth. Balfour, with the cavalry, escaped, and joined the other parliamentary forces. Essex's troops, who had been disbanded by the king, were however soon collected, and armed by the parliament. Cromwell and Manchester marched to the west, and joined the troops under Middleton, Waller, and Essex, and attacked the king's forces at Newbury; and after a desperate battle, which lasted until nightfall, the king retreated, first to Wallingford and then to Oxford. Cromwell urged Manchester to finish the war at once, by following up and continuing the attack upon the king's forces. But that nobleman, either jealous of Cromwell, or fearing to give battle, declined; and a hatred arose between them, by which Cromwell soon acquired the ascendancy. The Royalists and Roundheads now retired to winter quarters; and about this time the Independents, who had previously amalgamated with the Presbyterians, separated into a distinct and formidable sect. The difference between them was that the Presbyterians acknowledged an ecclesiastical establishment, and cherished the spirit of persecution against popery and prelacy; while the Independents declared that each congregation was in itself a free Church, capable of organising its discipline and its affairs, without any reference or connexion with any other institution of worship; and they inculcated the sentiments of toleration. In government their principles were republican; they declared for the abolition of monarchy and the aristocracy; for

an equality of ranks, and the social independence of all classes. The most distinguished leaders of this party were Oliver Cromwell, Nathaniel Fiennes, Oliver St. John, and Sir Harry Vane. These men soon acquired great authority and power.

The Presbyterians greatly predominated in parliament, as well as in the kingdom. But at this perilous time the salvation of both depended on their union against the Crown. Bedford had deserted the liberal cause; the Earl of Northumberland became passive; and Essex, the commander-in-chief, had not distinguished himself throughout the war, excepting in the relief of Gloucester. Now that the Independents had fully declared their views, Northumberland, Warwick, Denbigh, Whitelocke, Hollis, Maynard, Glyn, Waller, Stapleton, and even the adventurer Massey, who had so bravely defended Gloucester, may be said to have withdrawn their support from the Long Parliament;—and Manchester was charged by Cromwell of having wilfully allowed the king to carry off the artillery from Newcastle, and of not finishing the war by utterly destroying the Royalists at the battle of Newbury. An ingenious and hypocritical measure, contrived by Cromwell and Sir Harry Vane, to deprive the Presbyterians of their military offices, was introduced into parliament for the purpose of giving an ascendancy to the Independents. This was the celebrated “*Self-denying Ordinance*,” by which both the peers and the members of the commons were all excluded, with a few special exceptions, from all civil and military offices. This measure, after protracted debates, was passed by both houses; and the Earls of Essex, Warwick, Manchester, and

Denbigh, and Brereton and Waller, immediately resigned their commands. As a compensation for the expenditure of a fortune, a pension of 10,000*l.* a year was granted to the Earl of Essex. All the commissions in the army were, until the year 1645, drawn up in the name of the king and parliament; but Sir Thomas Fairfax, who was now appointed commander-in-chief, received his authority, not in the name of the sovereign, but of the parliament. By an artifice contrived by himself, Cromwell retained his seat in the House of Commons. He managed to be sent in command of a strong cavalry force to relieve Taunton, which was besieged by the Royalists. The commons observing his absence, directed the new commander-in-chief to appoint an officer to supersede him; and to order his immediate attendance in parliament. Fairfax having joined the head-quarters of the army, wrote to the parliament that it was indispensable he should have, for a short time, the assistance and advice of his lieutenant-general; and soon after he begged earnestly that Cromwell should be allowed to serve under him during the campaign of that year. Subsequently, it became apparent that the *self-denying* intrigue was projected by Cromwell himself, who was now, in fact, become the commander-in-chief. Although Fairfax was possessed of great personal courage, and eminent military abilities, his genius was not comprehensive; and his speech was obscure and illogical. His private character was virtuous and generous; and he was in every respect, except in his sincerity, humanity, and generosity, inferior and subordinate to his lieutenant-general.

Cromwell rose into power almost unnoticed, by

the force of his inventive genius; by his dauntless moral and physical courage; by his dissimulation and readiness to grasp, without scruple, on whatever means would enable him to seize on power, and exercise authority with the greatest speed, success, and effect. He was one of those bold spirits who only appear on tremendous occasions; and who seem to have been destined to overthrow the power of nations, to subvert governments, to dissolve or reconstruct society, and to disturb the world. A man who never left to fortune any chance of success, when he could obtain his victories in the field or in the council by forecast, hypocrisy, action, and force. Possessed of extraordinary sagacity, he could insinuate and dissemble with remarkable dexterity. By despising ordinary maxims in his speech, and customary tactics in his battles, his triumphs falsified principles which were before adopted by all Europe as sacred maxims of policy; as fixed *stratagies* in all military operations. No man could disguise his plans and objects under a more impenetrable and mysterious spirit, speech, or conduct. He provided so carefully against dangers, that no obstacle dismayed or obstructed him in the execution of any project which he undertook. Until the fortieth year of his age, his occupations were altogether confined to rural pursuits, and occasionally to attendance in the House of Commons. But from the moment he accepted a commission in the army of the parliament, he discovered its defects, both physical and moral, and especially in its discipline. He readily accounted for the shameful and numerous defeats of the forces under Essex; and the imbecility, as a military commander, of Fiennes in surrendering Bristol. In a

short period he not only recruited under him men of correct morals, sound constitutions, and brave hearts; but by his persuasion and his skill, as well as by his sermons, prayers, and hypocrisy, he induced them to submit to that regular military training which distinguished his own above all the other troops of the parliamentary army; and during the course of the year 1645 he completely remodelled the whole of that army. Had he lived in an age when mankind were further advanced in civilisation, and had he had the same opportunities as Wellington and Napoleon, the natural magnanimity and grandeur of his mind, if improved by an accomplished education, would have led him to despise that profound dissimulation, and those cunning intrigues, as well as the religious hypocrisy which he practised; and he would not have committed those crimes of which he appears to have been guilty.

The king being driven to extremities by the parliament on the one hand, and by the pressure of his friends on the other, retracted a declaration which he had made, that the two houses assembled did not constitute a parliament; and he proposed to enter into a treaty of peace with the assembly at Westminster; which, in a written reply, he called the parliament.* Sixteen commissioners were accordingly appointed by

* In a copy of a letter to the queen, which was afterwards found at Naseby, the duplicity of his character is manifested. The king says, "As for my calling those at London the parliament, I shall refer thee to Digby for particular satisfaction. If there had been but two besides myself of my own mind, I would not have done so, and the argument which compelled me to that of calling them a parliament, did nowise acknowledge them to be the parliament of England; upon which condition and construction I did it, and on no other; and, accordingly, it is registered in the council's books, with the council's unanimous approbation."—*Rushworth*, vol. iv., p. 943.

the king to meet an equal number of parliamentary and Scottish commissioners. Three questions of importance—religion—the militia—and Ireland—were discussed. The demand of the parliament, that the alterations in the Thirty-Nine Articles, and the metaphysical doctrines, as well as the profession of the solemn league and covenant which abolished episcopacy, should be sanctioned, were insisted upon, as preliminary to any accommodation with the king. This attempt at reconciliation became, therefore, impracticable, for Charles could never be brought to concede that the bishops were not essential to the Church, as well as the ritual which had been established in the reign of Queen Elizabeth. But the parliament which, either in vengeance or in religious intolerance, had, a few weeks before, tried and executed Archbishop Laud, in his old age and infirmity, was not likely to concede any power of Church government or the ritual to the king.

During this year the Earl of Montrose levied about 8000 men in Ireland, and about 5000 in Scotland. With these he attacked Lord Elcho, near Perth, with 6000 Covenanters, whom he threw into confusion; and it is asserted that 2000 of the latter were slain; and with fresh levies he afterwards defeated Lord Burleigh near Aberdeen. He then devastated the country of Argyll, and defeated the troops who fought under the command of that nobleman. He next attacked and stormed Dundee,—from which he was compelled to retreat to the mountains; but he was pursued and attacked near Inverness, where he routed two strong detachments which were sent against him. The actions of Montrose were so bril-

liant and heroic, that a mere record of his exploits, until he was defeated, by Lesley, at Phillipshaugh in the forest, would read more like romance than history.*

In the new modelled army of Cromwell there were scarcely any chaplains; the spiritual duties were performed by the officers, who, when not fighting, preached long sermons; delivered canting exhortations; and offered up extempore prayers. The soldiers, thus animated by religious enthusiasm, by scriptural maxims, and by the doctrines of predestination and election, marched to the battle-field singing hymns and psalms; sacred music being at the same time played on military instruments. The head-quarters of this army was at Windsor; and detachments were stationed in various parts of the kingdom. The Scottish army occupied Yorkshire; and a division of that force laid siege to Carlisle. Chester was invested by Sir William Brereton; and the king, with Rupert and Maurice, were at Oxford, with an army of 15,000 men. One portion of the king's forces attacked Taunton; which town, however, was speedily relieved by a detachment sent by Fairfax. The king then marched north, with the object of relieving Chester. He besieged Leicester, which he succeeded in entering by storm; and here his troops committed great disorders and cruelties. Meantime, Fairfax laid siege to Oxford.

The king, urged on by Prince Rupert, resolved to give battle to Fairfax, who marched from Oxford to meet the royal army. They fought on the fatal field

* Montrose again escaped to the mountains, but he was afterwards taken and executed by the Covenanters.

of Naseby. The parliamentary army was commanded by Fairfax in the centre; Cromwell leading the right wing, and his son-in-law, Ireton, the left; the royal forces by the king, Rupert, and Langdale. Rupert fiercely attacked the left wing and captured Ireton. The king led on the main body with great valour and prudence, but he was resisted by the main body, commanded by Fairfax. Cromwell, in the mean time, not only routed the whole left wing, commanded by Langdale, but he fell upon the main body of the king's infantry, and threw all but one regiment of the royal army into confusion. The king then retreated. The loss in the parliamentary army was estimated at 1000 men; of the royal forces 800 were killed, 500 officers and 4000 privates were taken prisoners; all the artillery and ammunition were captured by the parliamentarians; and the whole of the king's infantry was dispersed. Charles, after this decisive battle, retreated with a small body of horse into Wales. Leicester was retaken by the parliamentary forces. The only force of importance now belonging to the king, consisted of about 6000 men who invested Taunton. Fairfax marched towards that town; and on his approach the Royalists retreated to Lamport; where, in an engagement which took place, 300 of their number were killed, and 1400 made prisoners: Fairfax dismissed their remaining forces. He then laid siege to Bridgewater; stormed the outer town; and the inner town was immediately afterwards surrendered by the governor, with 2600 men as prisoners of war. He then marched to, and invested Sherborne and Bath, both of which capitulated; and Bristol also surrendered to him a few days afterwards.

Carlisle surrendered to the Scots. Charles repulsed them at Hereford, and then marched to the relief of Chester, but he was there defeated, with a loss of 600 killed and 1000 prisoners; and he was compelled to fly, first to Newark, and then to Oxford, where he remained during the winter.

In January and February, 1646, Dartmouth, Powdermill Castle, and Exeter, were besieged and taken by the parliamentary army, which also defeated a royalist army of 8000 men at Torrington. Truro, now defended by 5000 Royalists, surrendered; and the royal power was destroyed in the whole of the west of England. Fairfax then marched northward with his army, and established his camp at Newbury. The queen and the Prince of Wales fled to France. The royal forces under Lord Digby in Yorkshire, Chester, and Hereford, surrendered. Montrose, however, gained a great victory over the Covenanters at Kilsyth; routed the whole of their army, leaving 6000 of their number dead upon the field. On the 5th of May, the king committed the imprudence of leaving Oxford, and throwing himself upon the mercy and loyalty of the Scottish army, which was stationed at Newark. This was, after his conduct to the Scotch, and especially to the Presbyterian Church in Scotland, an act of desperate imprudence.

Newark, by the king's instructions, surrendered to the parliament, and the Scottish army marched northward to Newcastle, to which city they conducted the king. Charles then ordered that Oxford and his other garrisons in England, as well as Dublin, should be surrendered to the parliamentary

forces. Montrose, at the same time, laid down his arms and passed over from Scotland to the continent. Rutherglen Castle, which was defended by the Marquis of Worcester, in the eighty-fourth year of his age, was the last place which held out for the king, and it surrendered about the middle of August.

The Scots claimed, in payment of arrears due to them for serving in England, no less a sum than 2,000,000*l.* of money; but it was afterwards agreed that they should accept 400,000*l.*; and on this being accepted, although it was pretended to be a separate transaction from that of delivering up the king's person, it was evidently in consequence of this payment that Charles was surrendered to the English commissioners at Holdenbury, in Northampton, where he was confined and treated with much disrespect and rigour.

Meantime, hostilities having ceased, discontents arose in the army respecting arrears of pay, and against serving in Ireland. It is supposed that this mutinous spirit was actually fomented by Cromwell, Ireton, and Fleetwood. The army at length determined to elect a parliament to represent itself, with a council consisting of the principal officers as a House of Peers. Cromwell then came to London to "*lay*" what he termed "the rising discontents of the army" before parliament; and the council of the army ordered a rendezvous of all the regiments to defend their common interests. A detachment of 500 troopers was sent under the command of one Joyce, formerly a tailor, to Holdenbury Castle, which he entered without opposition. He forced himself into the king's chamber, and said to Charles, "You must go

with me." "Where?" said the king; "To the army," replied the former. "But by what warrant?" demanded the king. Joyce pointed to the troops, who were well accoutred and mounted; whereupon the king observed, "That is a warrant written in fair characters, legible without spelling." The parliamentary commissioners interfered; demanded of Joyce whether he had orders from parliament or from the general? He replied in the negative. They then informed him that they would write to the parliament and know their pleasure. "That you may do," said Joyce; "but in the mean time the king must go with me."

Charles was then conducted in his coach towards the rendezvous of the army, near Cambridge. Fairfax, although commander-in-chief, was astounded on hearing that the king was removed; for he was utterly ignorant of the plot which had been planned by Cromwell, who immediately left the parliament, which he had been amusing by his dissimulation. When delay favoured the projects of this unexampled man, he could remain patiently, with seeming inaction; but when despatch was necessary, no man ever acted with more immediate decision. Fairfax was nominally, but Cromwell was now the real commander-in-chief of the army. He determined to march to London without delay, and in the first instance to St. Albans. He knew that the parliament had become hateful to the nation. The "self-denying ordinance" remained with regard to him in abeyance; and nearly all the other members were accused of squandering the public revenue and enriching themselves. They incurred heavy debts, although they had in five years levied above 40,000,000*l.* of money. The

army, or in reality Cromwell, instead of obeying, coerced the parliament. He insisted on the imprisonment or dismissal of certain leading Presbyterians; and he declared that no further levies of troops should be raised by the authority of that assembly. The army then marched to Reading, to which they carried the king. They next encamped on Hounslow Heath. Shortly afterwards Cromwell with his army entered London in good order; and the parliament was reduced to submission. Seven peers were impeached; eleven Presbyterian members were expelled; the lord mayor, three aldermen, and one of the sheriffs were sent to the Tower; and the Independents acquired a thorough ascendancy in the commons.

The king was brought to Hampton Court, where for some time he was allowed to live with some degree of freedom, and treated with respect. But he was still a prisoner; and he imprudently ventured to escape from that palace. He lay concealed at Titchfield, a seat of the Earl of Southampton's, for some days; and then incautiously put himself under the care of the governor of Carisbrook Castle, in the Isle of Wight. This was as fatal a step as trusting himself to the Scottish army.

A sect now arose suddenly in the army called "the Levellers," who would soon have destroyed all order and discipline, if its general were a man of less decision and boldness than Cromwell. He instantly held a general review; seized the chief ringleaders in the presence of their companions; held a council of war on the field; shot one ringleader on the spot; and terrified the others into obedience and discipline.

He then proposed and carried in parliament that no papers should be conveyed to the king; nor any messages nor letters received from him; and declared it treason for any one to have intercourse with him. The lords insisted, with truth, that this ordinance of the commons destroyed, in reality, the whole monarchical power of the king. Four bills were sent to Charles for his assent. Those bills withdrew from him all but nominal authority. He refused his sanction to such acts of humiliation, and he was in consequence deprived of all his servants; prevented from corresponding with his friends; and placed in close confinement within the castle during the winter of 1647-48.

Meantime the Scotch protested against the proceedings of parliament, and of the army; and forces were raised for the purpose of invading England;—in which conspiracies, insurrections, and anarchy began to prevail. Troops were levied for the king both by the Royalists and Presbyterians; first in Wales, then in Kent and Essex, and afterwards in the north; and the civil war was again renewed. Seventeen ships of war at the Nore, with their crews deserted, and sailed to Holland, where the Prince of Wales, afterwards Charles II., was taken on board, and the command given to him. London and the parliament were kept in awe by the army; but a great portion of the troops being withdrawn to put down various insurrections, parliament reassumed its functions. They repealed the vote of non-intercourse; and sent five peers and ten commoners to treat with the king in the Isle of Wight. If Charles could have been depended upon, the concessions he now

made would have been greater than those enjoyed by any republic in the world. He granted all the demands of the parliament excepting two :—he refused to give up his friends to punishment, or to abandon the Church of England. He consented to renounce the Book of Common Prayer ; but insisted on using some other liturgy in his own chapel. The parliament positively refused this reasonable request ; and he was told to his face, that “ if he did not consent to the utter abolition of episcopacy, he would be damned.” Hamilton and Loudon advanced from Scotland into Lancashire, with an army of 20,000 men ; but they were suddenly attacked by Cromwell, with a force of only 8000 men, and utterly defeated. Cromwell then marched into Scotland and joined Argyle,—suppressed the Royalists,—gave the power of the government to the violent party ;—and the severity of their impositions in extorting monies from those with whom they differed, and whom they called “ heart malignants,” reflect the utmost disgrace upon the Chancellor Loudon and other members of the Scottish council.

The army having been successful in suppressing the insurrections, Cromwell removed the king, on the ground that he had signed a treaty with the parliament, from Newport, and confined him in Hurst Castle. London was then occupied, especially the west end, by the army ; and the Houses of Parliament were surrounded with troops. The commons, however, determined to pass a law confirming the treaty into which they had entered with the king ; and at last carried a measure to that effect by a majority of 129 to 83. But on the following day, Prynne commanded

two regiments in front of the commons, and, by the direction of Lord Grey, ordered them to "purge the house." He arrested forty-one Presbyterian members; and one hundred and sixty other members were included. The commons was thus reduced by "Colonel Prynne's purge," as it was termed, to about sixty members, all sturdy Independents. The council of officers now determined that the king should be tried and executed; and they resolved that this mock parliament should share the disgrace. A Court of High Commission was accordingly appointed to try Charles, on the authority of a vote of the house, which declared it "treason in the king to levy war against his parliament." It was sent up to the peers, in which only sixteen members then sat; but they unanimously rejected the vote of the lower house. The commons then voted that the people are the origin of all just power; that the commons of England assembled in parliament were chosen by the people, and represented them as the supreme authority of the kingdom; and that, therefore, the votes of the commons had the authority of law, without the sanction either of the king or the peers. Charles was then brought to London, closely confined, and a court, consisting of one hundred and thirty-three persons, was illegally appointed to try, or, speaking more truly, to murder the king, by a faction, constituting a parliamentary mockery, under military dictation. It was seldom that more than seventy of the one hundred and thirty-three judges sat in this court: of which Cromwell, Ireton, and Harrison, together with some members of the lower house, and some citizens of London, were the judges. This un-

precedented tribunal sat in Westminster Hall; the king was treated with contemptuous indignity; and he was sentenced to be beheaded as a traitor. His execution took place in front of his palace of Whitehall three days afterwards.

He suffered death without fear, and with dignity; and on the scaffold his demeanour and speech commanded reverence for his person, and sorrow for his fate. It was an awful example for all rulers and people. His great misfortunes and his death have attracted the sympathy of the generous and magnanimous, even among those who would never have approved his acts; and all high churchmen have enrolled him in the calendar of martyrs. We neither approve of the severity of his imprisonment, the ignominy of his treatment, the court by which he was tried, nor of his execution. But we consider him false and faithless as a man of honour, a traitor and a despot as a constitutional king.

The irregularity of the successions to the English crown, and the fatalities of the kings of England, are remarkable. William I. became king in right of conquest. His eldest son was killed in the New Forest. Robert, the next heir, was deposed in Normandy, and imprisoned in England. William Rufus was an usurper, who murdered his nephew, the lawful heir, and he also was killed hunting in the New Forest. Henry I. and Stephen were both usurpers. John succeeded irregularly by will of Richard I., to the exclusion of his nephew, the legitimate heir, Arthur of Bretagne, whom he assassinated. Edward II. was deposed and barbarously put to death. Richard II. was also deposed and murdered. Henry IV. was an

usurper, and his son and grandson succeeded him, but the latter, Henry VI., was deposed and put to death. Edward IV. was an usurper. His brother Clarence was executed, and Edward V. was with his brother murdered by their uncle, Richard III., who usurped the crown, and was killed in battle by the Duke of Richmond, the first of the Tudor kings. Henry VII. was not the legitimate prince. But his heirs continued to succeed him, in the male and female line, until Charles I. was beheaded, and the government seized by one of the boldest and most sagacious spirits that was ever born to disturb the world, or to overturn rulers and usurp power. James II. was deposed. William III. was related in blood and allied in marriage to the Stuarts. He had no legitimate right to the throne; but he was crowned by virtue of a solemn contract with the nation. Anne was not the legitimate heir to the crown, but she was enthroned by the national will, to the exclusion of her brother, who was not a Protestant. George I. became king, not as the first of kin, but as the nearest Protestant heir. The fatal and violent deaths of the Stuarts in Scotland, and the murders or foul executions of the Scotch nobility, many of them related to the royal family, occur constantly in the history of that country.

During the Saxon, Danish, Norman, and Plantagenet period, the blood of royal and noble families was shed in torrents. Charles was the last of the sovereigns of these kingdoms who suffered a violent death. We hope and believe he will

have been the last royal victim of the British monarchs.

All the kingly ideas of this unhappy and ill-fated prince were in accordance either with the arbitrary despotism of the Tudors, or the barbarous absolutism of Scotland. His father, on his first journey to England, hung on his way a thief without trial; and he considered himself a lover of justice, and not straining his prerogative, by sending a robber out of this world into eternity.

Charles, like the modern Bourbons, was not educated for the progress which civilisation and the spirit of freedom had made since the epoch of the Reformation, and of the discovery of America, and of a route by sea to India. He was far from being prepared, on ascending the throne, to promote or to agree to those changes in society and in government which new discoveries, events, and the great and complicated interests of mankind, rendered necessary and inevitable.

By the assumption of prerogative, as the anointed of God, he acted as if his authority was above all responsibility to man; and as the supreme head of the Church he arrogated an absolute control over the conscience, intellect, and religion of his subjects. No prince could have pursued a more effectual course to render his pretension to divine right intolerable,—to overwhelm the splendour of the English hierarchy, and to annihilate the most revered institutions of his kingdom.

Kings more than other men are liable to the evils arising from a faulty education, and from the in-

fluence of pernicious example. Born in Scotland, Charles could legally only have been baptised by a Presbyterian minister. In England this was long believed, and that credence was distasteful to Charles and disagreeable to high churchmen. But a notable discovery was made, discreditable to the faith, truth, and honour of James, if it was an original document; contemptible and dishonest, if a forgery. This was a manuscript with a signature purporting to be that of one John Blinselle, Islay herald, who either did or pretended to assist at the ceremony of the baptism of Charles by the Bishop of Ross in the royal chapel at Stirling. All the particulars are detailed in glittering splendour. A gold, silver, and silk pall, a ducal crown, a basin and bowl, and the noble lords and ladies present, are all named and marshalled. Prince Rohan, chief of the French Huguenots, is asserted to have stood as his godfather, and his brother Soubise was present. Both were relatives of the Stuarts and the Guises.*

Charles was, according to Spottiswood, a weak child, and was therefore hastily christened. It was long before his legs attained strength for exercise; and like those of his father, they were *bandy*, or bowed outwards. He was also afflicted with a difficult and stammering utterance; which led him early to prefer retirement and study, to the robust pursuits and military exercises of his elder and stronger brother, Prince Henry. Nor could Charles have any inducement for several years to apply him-

* The original MS. is, or was, in Lion's Library, Edinburgh. There is a copy of it printed in "Nichols' Progresses of King James I."

self to those studies and accomplishments which may have at that time been considered essential for a great and good king. But after the death of his brother Henry, he applied himself with great earnestness and activity to learn the manly exercises of archery and the bowling-green,—of the *raquet* in the Tennis Court,—running at the ring,—vaulting,—shooting with the cross-bow and musket,—firing the great ordnance,—chasing winter deer,—managing the great horse,—and jousting at Whitehall, where, at the age of nineteen, he often broke lances. The fine and mechanical arts and naval architecture he had studied; and he even built “that miracle of a ship the *Royal Sovereign*,”* before his brother’s death.

During the life of Prince Henry, who, had he reigned, would probably have involved England in foreign wars, Sir Henry Adam, in reply to a question asked by the Prince of Wales, said that Charles would prove a great scholar. Then, observed Henry, I will, when I am king, make him Archbishop of Canterbury; and the warm and hasty temper of Charles was frequently irritated by allusions to the see of Canterbury. His governess or nurse, Lady Cary, complained of his unmanageable temper and obstinacy during the first five or six years of his childhood; nor do either appear to have been eradicated, though often subdued, during his after life.

An impartial and judicious historian must identify princes and statesmen not with the ideas and manners of a subsequent age, but with the prevailing

* Winwood.

sentiments, learning, and circumstances in the age of which he writes. The pedantry and polemics of James I., and the theological studies of Charles, would be considered despicable in the nineteenth; but not so in the beginning and middle of the seventeenth century. Religious disputation was the fashion of that age. James prided himself on the polemical accomplishments of his son;* and Charles, in his first speech to parliament, alluding to his father, observed, "I may truly say with St. Paul, I have been trained up at Gamaliel's feet."

Honour and confidence have in all ages and nations been held so pre-eminently sacred, when reposed in good faith, that the betrayal of such trust has been deemed so diabolical and perfidious as to be abhorred by all—even the most savage nations. Dr. Hakewell, an eminent Oxford divine, drew up a paper, in which he endeavoured to show the danger of Charles marrying a Papist; and after submitting it to Murray, the preceptor of the prince, he gave it to the latter, on an express condition that he would consider it a strictly private communication. Charles promised no one else should see it; and "that it would never go further than the *cabinet* of his own bosom." He treacherously placed it before the king, and both Murray and Hakewell

* "Charles," said the British Solomon, "can manage a point in controversy with the best studied divine of yee all." True it is, that Prince Charles held a disputation at Newcastle with the Presbyterian Henderson daily, from the 29th May until the 16th of June. Neither of the disputants were convinced.—*Gesta Britannorum*, by Sir George Wharton. Whitelocke admits that Charles was a skilful summer-up of an argument. Sir Robert Holborne remarks, "That the king (Charles) could drive a matter better into a head than any one of his privy council."

were deprived of their functions.* He was invested with the order of the Bath on Twelfth Night, 1605, and he was soon after allowed a separate establishment. At sixteen years he was solemnly created Prince of Wales. In his household he was, as a prince, economical and prudent, correct in his morals, regular in his devotions. He early became a patron of art, and his brother Henry made him a present of a collection of antiques, which formed the origin of his museum.†

His taciturnity, caused, it is asserted, by his difficulty of utterance, has been frequently remarked. The French ambassador, the Count de Brienne, wrote to Cardinal Richelieu, "To me he (Charles) appeared exceedingly reserved; and this induces me to judge that he is either an extraordinary man, or one of middling capacity." The master of his revels, Sir Henry Herbert, says, "His master's custom affords not many words." It is well known that Charles experienced difficulty in addressing his parliament; and in concluding his first speech, he said, "Now because I am unfit for much speaking, I mean to bring up the fashion of my predecessors, to have my lord-keeper speak for me in most things."‡ The lord-keeper continued afterwards to recite or deliver the king's speeches, although Charles occasionally spoke briefly to the lords and commons; and there is no doubt that he was remarkably adroit and ready

* Wood's Athen., Ox. Meldon.

† Memoirs of Sir Philip Warwick, pp. 65, 66.

‡ Charles wrote far better than he spoke; and as to his handwriting, Wellwood, a republican author, says, "He wrote a tolerable hand for a king."

in expressing either his opinion, or inventing a subterfuge.

In his domestic character and as a private gentleman, Charles, if he possessed not the amiable temper, and those accomplishments which gain affection, secure friendship, and create admiration, ranks high in the scale of moral conduct and private virtues. He loved his queen with sincere affection; he placed the utmost confidence in her, although she was not of his religion, nor educated in tastes agreeable to his temper.

Soon after their marriage disagreements arose in consequence of the great number of ladies and gentlemen,—priests and domestics,—which she had brought over from France,—and the favourite Buckingham stood in the way of their conjugal felicity. These occasioned the king both uneasiness and unhappiness until the French were sent back to their own country, and until Buckingham fell by the dagger of an assassin. The manner in which Charles proceeded in sending out of England the numerous French retinue of his queen, is remarkably illustrative of his strong will and character.*

Charles, with a cold and cheerless manner, was however considered an indulgent father, a kind master, a fond husband, and a sincere friend; although his yielding up the life of Strafford to the fury of the parliament proves that he could sacrifice his chief counsellor to a political necessity. His education was learned for a prince; his literary taste free of pedantry; and he was not the

* See a brief account of this affair, hereafter, in the chapter on the Courts, &c., of James and Charles.

author of a celebrated production, the *Icon Basilike*. In architecture, sculpture, and painting, his judgment was excellent; and his court was never deformed by the coarse and drunken manners which rendered the palaces of his father vulgar and disgusting; nor by any shade of the voluptuous immoralities which disgraced Whitehall, Hampton Court, and Windsor, in the reign of Charles II. In private life, and with a good fortune, he would have been one of the most respectable and dignified, but not the most amiable of the gentlemen of England. His picture-gallery was magnificent; and perhaps no other prince in Europe possessed so choice a collection of paintings. But he was no sooner dead than the Puritans—who considered all pictures and sculpture idolatrous—put up his paintings, marbles, plate, and furniture to public sale; and nearly all that was exquisite was purchased by Cardinal Mazarin, Christina of Sweden, and by various persons, who carried them over to France, Flanders, and other parts of the continent. His library was also scattered; all that was rare and beautiful in art and learning seemed about disappearing for ever from the kingdom; and it was with difficulty that Cromwell preserved the universities.

Whatever proofs we have of the errors and crimes of Charles as a king, his trial was irregular, and his execution unjustifiable. The House of Commons did not represent the people of England, and instead of being an assembly chosen by the nation, it consisted merely of a faction of Independents, under the absolute direction of a council of military *saints*: not only were its form and

sittings illegal; but its proceedings were arbitrary, and contrary to all the constitutional laws of the realm. Therefore the Court of High Commission which was named by the commons to try Charles I. was contrary to law, and unconstitutional. But we must admit, that if instead of this faction of military and civil Puritans, a full parliament of peers and of freely elected commoners had sat at Westminster, they would scarcely have put further trust in a king whose solemn word and whose written concessions could not be relied upon,—a prince who considered a jesuitical casuistry of mental reservation a religious and kingly justification for revoking any agreement which was granted by him in his difficulties; although he had never consented to yield more of the royal prerogative than was consistent with the common law, and with all acts of parliament, from the granting of the *Magna Charta* until after he assented to the Petition of Rights.

By the exercise of the royal prerogative alone he falsified justice, truth, and honour; and the industrious classes of the community suffered grievously by the royal extortions. If we are to place faith in the opinions of Clarendon and Hume, Charles appears in history one of the best, if not the greatest of the English monarchs.* But the facts which both historians relate refute their arguments, and their

* The elder Disraeli has written *Memorials*, in five volumes, of the life and administration of Charles I. This work is brilliant and fascinating in style; but no sound thinker or impartial judge can read it otherwise than as a skilful but not successful panegyric on the unfortunate Stuart,—and as an unscrupulous libel on the Puritans. I found it impossible for me to quote it as an authority; for common sense proves its reasoning illogical, and its spirit distorted. Yet the authorities to which he refers are valuable, and it contains much useful and entertaining information in its narratives,

conclusions. Hume contends that Charles had not usurped or exercised greater prerogatives than his predecessors had done without any resistance. This is not true; and if true, the king was not justified in committing acts of illegality, against which alone his parliament remonstrated. It was contrary to law to levy tonnage and poundage by his own authority; on which authority he also issued privy seals for extorting money from his subjects. He interfered with the privileges of the peers by commanding that no writ should be sent to the Earl of Bristol, whom he had thus prohibited from taking his seat, and then had him sent to the Tower. After Charles had granted the Petition of Rights, he violently arrested Sir John Elliot, Selden, Hollis, and six other members of the House of Commons, and committed them to different prisons; and although entitled under the Petition of Rights to be brought up by *Habeas Corpus*,—he, in order to prevent their liberation, resorted to the practice of removing them from *pursuivant* to *pursuivant*, and they were finally removed from their prisons to the Tower.

Sir John Elliot being in feeble health from a pulmonary affection, his physician reported that he could never recover unless he were allowed to breathe pure air; but the king's chief justice replied, "That although Sir John Elliot was brought low in body, yet was he high and lofty in mind as ever, for he would neither submit to the king nor to the justice of that court;"—and when Sir John sent a petition through the Lieutenant of the Tower to the king, stating, "I humbly beseech your

majesty will command your judges to set me at liberty, that for the recovery of my health I may take some fresh air," Charles, in the spirit of a tyrant, replied, "The petition is not humble enough." Elliot died soon after in the Tower; and when the son petitioned the king to allow the body of his unfortunate father to be removed for interment to the family vault in the country, the king wrote at the bottom of the petition, "Let Sir John Elliot be buried in the church of that parish where he died." Such was the fate of this accomplished gentleman classical scholar, and virtuous patriot.*

The persecutions which he allowed Laud to institute were cruel and intolerant. Some of the preachers were zealous and reprehensible fanatics; who in their discourses used scurrilous, and, morally speaking, unjustifiable language; but their conduct was far from being so dangerous as to justify their trial and condemnation by the Star Chamber, much less their barbarous punishment by pillory, cutting off ears, slitting nostrils, and public whipping.

When Charles had determined to rule without a parliament, he ordered several buildings to be levelled; and among others, a church and houses for materials to repair and rebuild parts of old St. Paul's Cathedral. He, on his own authority, imposed a stamp duty on cards, and granted monopolies, on receiving large sums of money from patentees. Clarendon says, in justification of this oppression, that "the king's intention was only to teach his subjects how unthrifty a thing it was to refuse reason-

* The grave of this patriot may still be seen in the corner of the chapel in the Tower.

able supplies to the Crown." By the royal prerogative, he directed that those who refused tonnage and poundage should be prosecuted and fined in the Star Chamber. He sold the monopoly of soap for 10,000*l.*, and a tax of 8*l.* per ton on its sale afterwards. Coals, wine, tobacco, salt, cards, quills, furs, dressing meat in taverns, brewing and distilling, weighing of hay and straw, gauging of red herrings, butter-casks, wine-casks; vats, oils, saltpetre, gun-powder, gathering of rags, and various other articles, were all subjected to monopolies and duties; and a tax for the first time was assessed on funerals, rated on a scale corresponding with the rank and means of all persons buried. These and other grievous exactions were levied under illegal proclamations,* and all resistance was followed by heavy fines and penalties; and arbitrary commissions were appointed to carry these and other exactions and oppressions into effect. There was a commission for compounding with offenders under sentence of transportation; one for compounding with those who imported or used logwood; another for compounding with sheriffs for the sale of under-sheriffs' places; another for concealment and encroachment, within twenty miles of London; one for compounding for the destruction of wood in iron-works; one for examining matters touching cottage inmates, depopulation, &c.

The net revenue paid into the treasury was trifling in proportion to the burdens imposed on the people. The monopoly of wine was sold for 38,000*l.*

* Charles, like the Tudors, endeavoured to give those proclamations in virtue of the royal prerogative an *equal force with the statute law*. But Coke remarks, "*That proclamations have great force when supported by the laws.*"

by the king, and the patentees received from each vintner 40s.; or upon the average consumption 90,000*l.*; and besides the usual profit, the vintners added 2*d.* per quart, or 8*l.* per tun, on the wine which they retailed, which thus increased the price to the public by 360,000*l.*, or nearly ten times as much as the king received from the patentees. Under the pretence of securing titles to land, a proclamation was issued, offering to grant new titles on payment of a composition; and those who refused were subjected to prosecution in the courts, under the pretext of flaws in their titles.* He rigorously enforced the law to prevent the erection of new buildings, by demolishing those buildings, unless the delinquents compounded for their offences. Taxes on hackney coaches, shops, on the using of *snaffles* insteads of *bits*—absolute forest laws, and various other inquisitorial oppressions, exclusive of the unconstitutional acts which we have enumerated in the narrative of this reign, had long rendered the king odious to the nation. In regard to the proceedings which were instituted in the Star Chamber against the landed gentry for not residing constantly on their estates in the country, Hume observes, “This occasioned discontents, and the sentences were complained of as illegal; but if proclamations had authority, of which nobody pretended to doubt, must not they be put in execution? In no instance, I must confess, does it more evidently appear what confused and uncertain ideas were during that age entertained concerning the English constitution.” It

* In order to render the judges obsequious to the king, the ancient clause on their appointment, *quamdiu se bene gesserent*, was changed to *durante bene placito*.

is unaccountable that Hume could have allowed the bias of his feeling to overrule the rectitude of his judgment.

We have seen that, when Charles was reduced to extremities, he conceded in the first place the Petition of Rights, and afterwards most of the privileges demanded by parliament; but the moment he recovered any power he did not scruple to disregard not only his coronation oath, but every law which trenched on the royal prerogative; and it seems that on every occasion when he made concessions to the parliament he retained a mental reservation to withdraw, under the prerogative, whatever he had agreed to under the semblance of compulsion. Therefore all those who possessed property, or who derived profits from commerce or other industrious pursuits, gradually withdrew their loyalty from the king. Nor was he, notwithstanding his many private virtues, calculated for popularity, or even for private friendship. He was cold, reserved, prone to anger, severe in his speech, and discourteous in his manners. He was seldom polite in his court; he was often rude in his demeanour; and he would not even condescend to observe good manners towards ladies. He *caned* Sir Harry Vane for inconsiderately entering an apartment in the palace which was appropriated to persons of higher rank.

Condemning as we do the arbitrary conduct of Charles; his disregard for the laws and constitution of the realm; the wickedness of his mental reservations, and the maxim which he entertained, that the divine authority of the royal prerogative cleared

his conscience of all responsibility to man for his acts as a king, and for the breach of all his engagements with the parliament; yet do we not approve of the conduct of his enemies, of the court by which he was condemned, nor of his execution.

As to the civil war, men's minds throughout the kingdom were not satisfied as to whether the king had first made war against the parliament, or the parliament first against him. Nor is the fact of much force; but it is conclusive that the men who sat in the House of Commons, and the military council of the parliamentary army, acted both with violence and injustice, and their exercise of power was both as arbitrary and summary as that of any king of England since the Norman period.

The Presbyterians and Independents pursued the king with a fanatical zeal and ferocious malignity, which neither his duplicity or treachery could justify. The Presbyterians would reduce his power to the lowest point of humility, abolish episcopacy, and substitute a church with a spiritual and severe government independent of the Crown; but they would never have consented to execute the king. The Independents abolished all church government, excepting within each congregation, independently of all other congregations. The judicial murderers of Charles I. were all *Independents*, unless some of them were *Deists*. Nor is it worthy of the dignity or truth of history to say that Charles was tried for high treason, and condemned to suffer an ignominious death, in order to satisfy the just vengeance of the people, and under the justification of a state necessity. A defence based on

the ideal sacredness of the divine right of kings, or even to justify the arbitrary and unjust acts by which he was empowered to oppress his people, is an argument which we could never admit for this unfortunate prince; and we contend that tyrants are accountable to the people, and liable to capital punishment for the crimes which they may have committed on mankind. But Charles was not brought to trial either by the consent of the majority of the nation, or to satisfy public vengeance. The tribunal before which he was tried was scarcely superior to a court-martial; and although he might have been brought to trial and judicially found guilty of high treason without outraging political justice, the proceedings of the military counsellors and the Rump, which sat at Westminster must for ever be denounced by all constitutional judges and impartial historians.

After the execution of Charles I., the only authority which remained in the country that could enforce obedience was the army, which now fell entirely under the dictatorship of Oliver Cromwell. That army consisted nearly altogether of Independents. The Bible and gunpowder were the laws by which Oliver now determined to make all yield to his dictation. The Presbyterians, although far more numerous than the Independents, having lost all authority over the army, found themselves powerless. The Royalist nobility and gentry lived in retirement and in poverty. A society arose called "The Levellers," who adopted principles similar in purpose to those which have been pro-

mulgated lately by the Socialists in France. Another sect, the "Antinomians," claimed the benefits of predestination and election; and believing themselves chosen as special objects of felicity by the Creator, they contended that they were by divine grace above all the beggarly elements of human reason, morality, or law. Tithes and hireling priests were denounced by another society; and the Milenians, or Fifth Monarchy Men, pretended that all government should be abolished, and that Christ would immediately appear to take upon himself the administration of the world. One society contended that the whole common and statute law of England—all the courts of law, and all lawyers, should be superseded; inasmuch as those laws and institutions had arisen under kingly governments. In such a state of moral, religious, and political confusion, all order, all property, and personal safety would have been perilled, if not destroyed, if the army, which consisted of 50,000 men, were not in a state of complete obedience to its strong-willed general.

N O T E S.

Note 1. Page lxxii.

A KNIGHT'S fee was a certain portion of land, in respect whereof was to be furnished one knight (*miles*) or soldier,* a term which Sir William Blackstone and Du Cange† use as synonymous with freemen; and means perhaps, speaking in the plural number, those *legales homines* often mentioned in judicial proceedings. The institution of knight's service was at first thought to be advantageous for both parties; and it had, therefore, the sanction of a national council.‡ In favour of the people, the benefices of the Anglo-Saxon princes, which were not then held in perpetuity, were to become hereditary fees. A powerful army was to be established for the mutual protection and the defence of the sovereign and subjects.§

The gradations, through which all other services and burdens, concomitant upon this tenure, grew out of this single one, is briefly summed up by Dr. Squire:||

“ In the first place, to perform homage and to swear fidelity to the patron could not reasonably be denied,—as this was

* Stuart's View of Society, pp. 85-107.

† Blackstone, b. xi., ch. 2; Du Cange, *Glos.*, voc. *Miles*.

‡ Stuart's View of Soc., p. 104; Black. Com., b. xi., ch. 4, p. 48 and 50; Squire on Anglo-Sax. Gov., p. 141.

§ Stuart's View of Soc., p. 104, and Stuart's Hist. Dissert., p. 121; Stuart, p. 121-141.

|| Anglo-Saxon Government, p. 148.

no more than a proper bond or security that the barons would duly perform the service which was required of them, in return for the favour which had been conferred upon him. Such oaths of fidelity had always been demanded, and taken when the thane was first admitted to the family of his lord; nor could there be any solid objection offered against its being renewed upon the actual collation to a benefice.

“2. Upon the death of a feudatory,—if he had a son who was of proper age to succeed him, and capable of performing the service appendant to the lands and honours he was about to enjoy, surely it was highly reasonable and expedient that he, likewise, should oblige his conscience to be faithful to his benefactor; nor could he surely think it hard and unjust, if his lord should demand and insist upon being paid some sort of acknowledgment in money,—a proper fine, or relief, before he once more parted with his right, as it were, and granted him the investiture which was expected from him.

“3. Were all the children under age upon the death of a feudatory? Who so fit to have the management of the fee, to receive and dispose of the rents, profits, and emoluments of it, as he who still remained the superior lord of the soil, and who, during the minority of the heir, was deprived of his military service and attendants? Was there any person so proper to have the care and wardship of the children, as well as estate, and to see them suitably educated, as he who had so much interest in their valour, honour, and integrity?

“4. Upon the same account, likewise, if the next heir to the fee was a female, was it not the duty of the lord to see that she was well disposed of in marriage to a man who should be both able and willing to perform the military service which was required of him, and which was due from the fee? If a male, how could he excuse himself to his dependent, from not advising, assisting, and persuading him in the proper choice of a wife?

“5. Was the lord in any signal distress; taken captive in war, or obnoxious to his creditors; was he to match his eldest daughter into some noble house? To make the

future hopes of his family (his eldest son) a knight, that is, to manumit him, as it were, out of his own power, and to make him a free and independent member of the community? To enter him into the service of his country, and establish him a new family? or to be at any other extraordinary expense? To whom should it apply for pecuniary aid and assistance, but to those who had sworn to serve him on all occasions wherein their help was really wanted; to his own beneficiaries; to those who had so great obligations to him and his family; and were, therefore, bound as it were, in honour as well as duty, to support it in all its grandeur?

“6. Was the feudatory opulent, lazy, or otherwise engaged? or did his function render it improper for him to serve his lord personally in the wars? Nothing could be more just than that he should either find proper persons to perform services in his stead, or at least to pay an equitable scutage or commutation in money?

“7. Finally, if the feudatory became rebellious to his lord, and without sufficient reason refused to comply with the condition upon which his fee was at first granted him; if he had defiled the purer course of his blood by being found guilty of treason to his country; or lastly, if his family became extinct; what law could be more equitable than that the fee should escheat, or revert to the original donor of his descendants?

“These seven were the most usual attendants, or concomitants of military tenure.”

Blackstone,* however, shows that these provisions for the reciprocal interests of both parties soon caused the greatest discontent and misfortunes. Personal military service was turned into pecuniary assessments. Immediately all the advantages (either promised or real) of the feudal constitution were destroyed, and nothing but the hardships remained. Cordiality between the lord and the vassal no longer remained. The tenant, instead of sub-

* Blackstone's Com., b. xi., c. 5.

mitting patiently, and, in some respects, cheerfully, to aids, relief, primer-seisin, fines for alienation and escheat, was jealous, distrustful, and dissatisfied. The prince, on the other hand, exacted them with rigour. The rights of wardship and marriage, which ought to have been exercised for the benefit only of the infant heir, were scandalously prostituted and sold. No refinement or finesse, in short, was left unpractised that could be made to bring in money.

Blackstone observes:—"Besides," says he, "the scutages the feudatories were liable to, in defect of personal attendance, which, however, were assessed by themselves in parliament, they might be called upon by the king or lord paramount for aids whenever his eldest son was to be knighted, or his eldest daughter married: not to forget the ransom of his own person. The heir, on the death of his ancestor of full age, was plundered of the first emoluments arising from his inheritance, by way of relief and primer-seisin; and, if under age, of the whole of his estate during infancy. And then, as Sir Thomas Smith* very feelingly complains, 'when he came to his own, after he was out of wardship, his woods decayed, houses fallen down, stock wasted and gone, lands let forth, and ploughed to be barren;' to make amends, he was yet to pay half a year's profits as a fine for suing out his living; and also the price or value of his *marriage*, if he refused such wife as his lord and guardian had bartered for and imposed on him, if he married another woman. And to this the untimely and expensive honour of knighthood to make his poverty more splendid. And when, by these deductions, his fortunes was so shortened and ruined that, perhaps, he was obliged to sell his patrimony, he had not the poor privilege allowed him without paying an exorbitant fine for a license of alienation.

"A slavery so complicated, and so extensive as this, called aloud for a remedy in a nation that boasted of their

* Commonwealth, b. iii., c. 5.

freedom.”* For a century and a half, in every reign, the restitution of the Saxon laws were demanded in vain, until John granted the Magna Charta. We have in the text narrated the struggles for civil and political liberty from the Norman period down to the death of Charles I. It was not, however, until the 12th of Charles II. that the *fruits*, as they were termed, of the feudal tenures were abolished by parliament.

Note 2. Page lxxiii.

The forests belonged originally to the crown, and the kings had granted several parts and parcels to private men who had grubbed them up and made them arable or pasture. But yet all that was thus grubbed up was still called *forest*. These forests belonging to the king as his own *demesnes* or as the sovereign lord, were a continual source of vexatious suits, as well against those which held them of the king, as against the neighbouring freemen, under pretence of the rights of the crown.

CHARTA FORESTA, A.D. 1215.

“*John*, by the grace of God, King of *England*, &c. Know ye, that for the honour of God, and the health of our soul and the souls of our ancestors and successors, and for the exaltation of the *holy Church* and for the reformation of our kingdom, we have of our free and good will given and granted, for us and our heirs, these *liberties* hereafter specified, to be had and observed in our kingdom of *England* for ever.”

I. *Imprimis*. “All the forests made by our grandfather King *Henry* shall be viewed by honest and lawful men; and if he turned any other than his own proper woods into *forests*, to the damage of him whose wood it was, it shall forthwith be laid out again and *disforested*. And if he turned his own woods into *forest*, they shall remain so, save *the common of pasture* to such as were formerly wont to have it.”

* Blackstone, b. xi., ch. 4, p. 50; Stuart's View of Society, p. 102; Rymer's Fœd.

II. is embodied in 38 of the Great Charter, put into one chapter.

III. The archbishops, bishops, abbots, earls, barons, knights, and free tenants, who have woods in any forest, shall have their woods as they had them at the time of the first coronation of our grandfather, King *Henry*, so as they shall be discharged for ever of all *purprestures*, *wastes*, and *assarts* made in those woods after that time, to the beginning of the second year of our coronation; and those who for the time to come shall make *waste*, *purpresture*, or *assart* in those woods without our license, shall answer for them.*

IV. Gives same liberty to inspectors to go through the forests as in reign of Henry I.

V. The inquisition or view for *lawing*† of dogs which are kept within the forest for the future shall be when the view is made, that is every three years, and then shall be done by the view and testimony of lawful men, and not otherwise, and he whose dog at such time shall be found *unlawed* shall be punish'd three shillings, and for the future no one shall be taken for *lawing*, and such *lawing* shall be according to the *common assize*, namely, the three claws of the dog's forefoot shall be cut off, or the ball of the foot taken out. And from henceforward dogs shall not be *law'd* unless in such places where they were wont to be *law'd* in the time of King Henry, our grandfather.

VI. No *forester* or *bedel* for the future shall make any *ale shots*, or collect sheafs of corn or oats, or other grain, or lambs or pigs, nor shall make any gathering whatsoever but by the view and oath of twelve inspectors; and when they make their view, so many *foresters* shall be appointed to keep the *forests* as they shall reasonably think sufficient.

VII. No *swainmote* for the time to come shall be holden in our kingdom oftener than thrice a year; that is to say, in the beginning of fifteen days before *Michaelmas*, when the *agisters* come to *agist* the *demesne* woods, and about the

* Every article of this charter is a clear evidence how much the subject was oppressed under the pretence of preserving the royal forests.

† Cutting off their claws, &c.

Feast of *St. Martin*, when our *agisters* are to receive their *pannage*; and in those two *swainmotes* the *foresters*, *verderers*, and *agisters* shall meet and no other by compulsion or distress; and the third *swainmote* shall be held in the beginning of the fifteen days before the *Feast* of *St. John* Baptist, concerning the *fawning* of our does; and at this *swainmote* shall meet the *foresters* and *verderers*, and no others shall be compelled to be there.

VIII. And furthermore every forty days throughout the year the verderers and foresters shall meet to view the *attachment* of the forest, as well of *vert* as venison, by *presentment* of the *foresters* themselves, and they who committed the offences shall be forced to appear before them: But the aforesaid *swainmotes* shall be holden but in such counties as they were wont to be holden.

IX. Every freeman shall *agist* his wood in the *forest* at his pleasure, and shall receive his *pannage*.

X. We grant also that every freeman may drive his hogs through our *demesne* woods, freely and without impediment, and may *agist* them in his own woods or elsewhere as he will; and if the hogs of any freeman shall remain one night in our forests, he shall not be troubled so as to lose anything for it.

XI. No man for the time to come shall lose life or limb for taking our *venison*, but if any one be seized and convicted of taking venison, he shall be grievously *fin'd*, if he hath wherewithal to pay; and if he hath not he shall lie in our prison a year and a day. And if after that time he can find *sureties* he shall be releas'd; and if not he shall abjure our realm of England.

XII. It shall be lawful for every archbishop, bishop, earl, or baron, coming to us by our command, and passing through our *forest*, to take one or two deer by view of the *forester*, if present; if not, he shall cause a horn to be sounded lest he should seem to steal them. Also in their turn it shall be lawful for them to do the same thing.

XIII. Every freeman for the future may erect a *mill* in his own wood, or upon his own land, which he hath in the forest;

or make a *warren*, or *pond*, or *marlpit*, or ditch, or turn it into *arable*, without the *covert* in the *arable land*, so as it be not to the detriment of his neighbour.

XIV. Every freeman may have in his woods the *ayries* of hawks, of spar hawks, falcons, eagles, and herons; and they shall have likewise the honey which shall be found in their woods.

XV. prohibits the *forester* who is not a *forester* in *fee* from taking *cheminage* or money for passing through the forest, and the forester in fee from taking money excepting from those "who come as buyers out of their bailiwick," for timber, &c.; also exempts those "who carry wood, bark, or coal upon their backs to sell" from any exaction.

XVI. extends a general pardon to outlaws for offences committed prior to the accession of King John, with pledge for the future.

XVII. No *castellan* or other person shall hold *pleas* of the *forest*, whether concerning *vert* or *venison*, but every *forester* in *fee* shall attach *pleas* of the *forest*, as well concerning *vert* as *venison*, and shall present the *pleas* or offences to the *verderers* of the several counties; and when they shall be inroll'd and seal'd under the seals of the *verderers*, they shall be presented to the chief *forester* when he shall come into those parts, to hold *pleas* of the *forest*, and shall be determined before him.

XVIII. declares and enjoins the observances of the customs and liberties granted in the preceding chapter.

Note. There is no original of this charter extant, nor any copy older than the first of Henry III.

Note 3. Page lxxvi.

MONEYAGE.

This was a land-tax, or rather a hearth-tax, levied arbitrarily by the two first Norman kings, and abolished by the charter of Henry I. It was levied under the pretence of inducing the king not to debase the coin.

Note 4. Page lxxxix.

THE MAGNA CHARTA

Granted by King John, and with amendments re-granted and confirmed by Henry III. and Edward I.—From the original in the British Museum, with references to the statutes of parliament that afterwards confirmed the chapters; and other authorities are also quoted.

JOHN, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Earl of Anjou:—To the archbishops, bishops, abbots, earls, barons, justiciaries of the forests, sheriffs, governors, officers, and to all bailiffs and others his faithful subjects, greeting:—

Chapter 1 is given *verbatim* in a note, page clxxxvii.

We have granted also, and given to all the freemen of our kingdom, for us and our heirs for ever, those following (all the underwritten) liberties; to have and to hold, to them and their heirs, of us, and our heirs for ever.

Chap. 2.—If any of our earls or barons, or other (military, which) hold of us in chief, by knight's service, (shall) die; and at the time of his death, his heir shall be of full age, and owes to us (a) relief; he shall have his inheritance by the old relief: That is to say, the heir or heirs of an earl, for a whole earldom, by one hundred pound (pounds); the heir or heirs of a baron, for a whole barony; by one hundred marks; the heir or heirs of a knight, for one (a) whole knight's fee, one hundred shillings, at the utmost; and he that hath (oweth) less, shall give less, according to the old custom of the fees. See Old Nat. Brev. fo. 94. Bulstrode, 325. Doctor and Student. Fitz. Nat. Brev., fo. 254, 263. B. Hobart, 46. Alt. Stat. 12 Car. II., cap. 24.

Chap. 3.—But if the heir of any such be within age, his lord shall not have the ward of him, nor of his land, before he hath taken of him homage. And after such an heir hath been in ward, when he is come to full age, that is to say, the age of one-and-twenty years, he shall have his inheritance without relief, and without fine; so that if such an heir being within age be made a knight; yet, notwithstanding, his

land shall remain in the custody of his lords, unto the aforesaid term. Fitz. Nat. Brev., fol. 269. Alt. 12 Car. II., cap. 24.

Chap. 4.—The keeper of the land of such an heir being within age shall not take of the lands of the heir, but reasonable issues, reasonable customs, and reasonable services, and that without destruction and waste of his men and his goods; and if we commit the custody of any such land to the sheriff, or to any other, which is answerable to us for the issues of the same land, and he make destruction or waste of those things that he hath in custody, we will take of him amends and recompense therefore, and the land shall be committed to two lawful and discreet men of that fee, who shall answer unto us for the issues of the same land, or unto him whom we will assign; and if we shall give or sell to any man the custody of any such land, and he therein do make destruction or waste, he shall lose the same custody; and it shall be assigned to two lawful and discreet men of that fee, who shall also in like manner be answerable to us, as afore is said. Vid. Glouces., cap. 5; Westmin. I., cap. 21.

Chap. 5.—(But) the keeper, so long as he hath the custody of the land of such an heir, shall keep (uphold and maintain) on the houses, parks, warrens, ponds (pools), mills, and other things pertaining to the same land, with the issues of the said land; and he shall deliver to the heir, when he cometh to his full age, all his land* stored (stocked) with ploughs, and (according as the time of wainage shall require, and the issues of the land can reasonably bear) all other things, at the least, as he received it. All these things shall be observed in the custodies, archbishoprics, bishoprics, abbeys, priories, churches, and dignities vacant, which shall appertain to us; except this, that such custody shall not be sold. 3 Ed. I., cap. 21. 36 Ed. III., cap. 13. Old Nat. Brev.

Chap. 6.—Heirs shall be married without disparagement. (And so that before marriage shall be contracted, those who are nearest to him in blood shall be acquainted with it.)

Chap. 7.—A widow, after the death of her husband, in-

continent, and without any difficulty, shall have her marriage, and her inheritance; and shall give nothing for her dower, her marriage, or her inheritance, which her husband or she held the day of the death of her husband; and she shall tarry in the chief house of her husband, by forty days after the death of her husband; within which days her dower shall be assigned her (if it were not assigned her before), or that the house be a castle. And if she depart from the castle, then a competent house shall be forthwith provided for her, in the which she may honestly dwell, until her dower be to her assigned, as aforesaid; and she shall, in the mean time, have her reasonable estovers of the common. And for her dower shall be assigned unto her the third part of all the lands of her husband, which were his during coverture, except she were endowed of less at the church door. No widow shall be distrained to marry herself so long as she shall have a mind to live without a husband, but yet she shall find surety that she shall not marry without our license and assent, if she hold of us; nor without the assent of the lord, if she hold of another. *Prerogativa Regis*, cap. 4. Stat. 20 Hen. III. 1.

Chap. 8.—But we or our bailiffs shall not seize any land or rent for any debt, so long as the present goods and chattels of the debtor shall be sufficient to pay the debt, and the debtor himself be ready to satisfy therefore. Neither shall the pledges of the debtor be distrained, so long as the principal debtor be sufficient for the payment of the debt; and if the principal debtor fail in the payment of the debt, not having wherewithal to pay, or will not pay where he is able, the pledges shall answer for the debt; and if they will, they shall have the lands and rents of the debtor, until they be satisfied for the debt which they before paid for him, unless the principal debtor can show himself acquitted against the said sureties. (If any one have borrowed anything of the Jews, more or less, and dies before the debt be satisfied, there shall be no interest paid for that debt so long as the heir is under age, of whomsoever he may hold. And if the debt falls into our hand, we will take only the chattel men-

tioned in the charter or instrument.) (And if any one shall die indebted to the Jews, his wife shall have her dower, and pay nothing of that debt; and if the deceased left children under age, they shall have necessities provided for them according to the tenement (or real estate) of the deceased, and out of the residue the debt shall be paid, saving however the service of the lords. In like manner let it be with the debts due to other persons than Jews.) (No scutage or aid shall be imposed in our kingdom, unless by the common council of our kingdom, except to redeem our person, and to make our eldest son a knight, and once to marry our eldest daughter, and for this there shall only be paid a reasonable aid.)

Chap. 9.—(In like manner it shall be concerning the said of the city of London; and) the city of London shall have all the old liberties and customs (as well by land as by water) which it hath been used to have. Moreover we will and grant, that all other cities, boroughs, towns, and the barons of the cinque-ports, and all other ports, shall have all their liberties and free customs; (and shall have the common-council of the kingdom, concerning the assessments of their aids, except in the three cases aforesaid.) Bulstrode. (And for the assessing of custages, we shall cause to be summoned the archbishops, bishops, abbots, earls, and great barons of the realm singly by our letters.) (And further, we will cause to be summoned in general, by our sheriffs and bailiffs, all others who hold of us in chief, at a certain day; that is to say, forty days before their meeting, at least, to a certain place; and in all letters of such summons, we will declare the cause of such summons.) (And summons being thus made, the business shall proceed on the day appointed, according to the advice of such as shall be present, although all that were summoned come not.)

(We will not for the future grant to any one, that he may take aid of his own fee-tenants, unless to redeem his body, and to make his eldest son a knight, and once to marry his daughter, and for this there shall only be paid a reasonable aid.)

Chap. 10.—No man shall be distrained to do more service for a knight's fee, nor for any freehold, than therefore is due.

Chap. 11.—Common pleas shall not follow our court, but shall be holden in some place certain. *Articuli super cartas*, c. 7. 28 Edw. I. 4. Bulstrode, 123.

Chap. 12.—Assizes of Novel Disseisin, and of Mort d'Ancestor, shall not be taken but in the shires, and after this manner (we, or) if we be out of this realm, our chief justicer (justiciary), shall send our justicers (justiciaries) through every county, once (four times) in the year; who, with the (four) knights of the shires (chosen out of every shire of the people) shall take (hold) the said assizes in those counties (on the day, and at the place appointed). And those things, that at the coming of our aforesaid justicers, being sent to take those assizes in the counties, cannot be determined (so many of the knights and free tenants as have been at the assizes aforesaid, shall be appointed to decide them, as is necessary, according as there is more or less business), shall be ended by them in some other place, in their circuit. And those things, which for the difficulty of some articles cannot be determined by them, shall be ended. Act. Reg., fol. 197. Stat. 13 Edw. I. 30.

Chap. 13.—Assizes of darreine presentment shall be always taken before our justicers of the bench, and there shall be determined. Reg., fol. 30, stat. 13 Edw. I. 30.

Chap. 14.—A freeman shall not be amerced for a small fault, but after the manner of the fault: and for a great fault, according to the greatness of the fault, saving to him contenance; and a merchant likewise, saving to him his merchandise; and any other villain than ours, shall be in like manner amerced, saving his (wainage), if he fall into our mercy. And none of the aforesaid ameracements shall be assessed, but by the oath of honest and lawful men, of the vicinage (and of the same county). Earls and barons shall not be amerced, but by their peers, and according to the manner of their offence. No ecclesiastical person shall be amerced after the quantity of his ecclesiastical benefice, but after his lay tenement, and after the quantity of his offence.

Chap. 15.—No town nor (any particular person) freemen shall be distrained to make bridges, nor banks, but such as of old time, and of right, have been accustomed to make them in the time of King Henry, our grandfather.

Chap. 16.—No banks (*embankments*) shall be defended (forbidden) from henceforth, but such as were in defence in the time of King Henry, our grandfather, by the same places, and the same bounds, as they were wont to be in his time.

Chap. 17.—No sheriff, constable, escheator, coroner, nor any other our bailiffs, shall hold pleas of our crown. All counties, hundreds, wapentakes, and trethings, shall stand at the old ferm, without any increase, except in our demesne lands.

Chap. 18 provides that, if any that holds of the crown any lay fee do die, owing debt to the king, it shall be lawful for a sheriff, or bailiff, to attach and enrol all the goods and chattels of the defunct, to the value of the debt, the surplus to remain to the executors, to perform the testament of the defunct. If nothing be owing, all the chattels to go to the use of the defunct (by testament for the salvation of his soul, &c.), saving to his wife and children their reasonable parts.

Chap. 19 provides against illegal seizures by a constable, or his bailiff, of corn or other chattels.

Chap. 20 provides that a constable shall not distrain any knight, for to give money for keeping of his castle, if he himself will do it in his proper person, or cause it to be done by another sufficient man: if in any army, he shall be free of castle-guard for the time.

Chap. 21.—No sheriff, bailiff, or any other, shall take the horses or carts of any man, to make carriage, unless he pay the price limited. No demesne cart of any ecclesiastical person, or knight, or any lord, shall be taken by the king's bailiffs. Nor any man's wood for our castles, or other our necessities to be done, but by the license of him whose the wood is. 14 Edw. III. 19.; 25 Edw. III. 6.; 13; cap. 2. 8.

Chap. 22 provides for not holding the lands of them that be convict of felony but one year and one day; and then those lands shall be delivered to the lords of the fee.

Chap. 23 provides that all wears from henceforth shall be utterly put down in the Thames and Medway, or throughout all England, but only by the sea-coast. 12 Edw. IV. 7.

Chap. 24.—That no writ of *Præcipe in Capite* shall be granted of any freehold, whereby any freeman may lose his court.

Chap. 25.—One measure of wine shall be through our realm, and one measure of ale, and one measure of corn; that is to say the quarter of London. And one breadth of dyed cloth, russets, and haberjects; that is to say, two yards within the lists. And it shall be of weights as it is of measures. 14 Edw. III. 12. 27 Edw. III. 10. 8 Hen. VI. 5. 11 Hen. VII. 4. 1. 17 Car. I., c. 19.

Chap. 26.—Nothing from henceforth shall be given for a writ of inquisition, nor taken of him that prayeth inquisition of life, or of member, but it shall be granted freely, and not denied. 3 Edw. I. II. 3 Edw. I. 29.

Chap. 27.—If any do hold of us by fee-farm, or by socage, or burgage, and he holdeth lands of another by knight's service, we will not have the custody of his heir, nor of his land which is holden of the fee of another by reason of that fee-farm, or socage, or burgage; neither will we have the custody of such fee-farm, socage, or burgage, except knight's service be due unto us out of the same farm. We will not have the custody of the heir, or of any land which he holdeth of another by knight's service, by occasion of any *petit-serjeantry* that any man holdeth of us by service, to pay a rent (of giving us daggers), an arrow, or the like. 12 Car. II., c. 24.

Chap. 28.—No bailiff from henceforth shall put any man to his open law, nor to an oath (purgation, or canonical purgation by his oath), upon his own bare saying, without faithful witnesses brought in for the same.

Chap. 29.—No freeman shall be taken or imprisoned, or disseised of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed; neither will we pass upon him, nor put him into prison, nor condemn him, but by lawful judgment of his peers, or by the law of

the land. We will sell to no man, we will not deny, or defer to any man, either justice or right. 2 Edw. III. 5 Edw. III., cap. 9. 14 Edw. III. 14. 28 Edw. III. 3. 11 Ric. II. 10. 17 Car. I. 10. 37 Edw. III. 18. 4 Hen. VII. 12. In fine.

Chap. 30.—All merchants, unless they were openly prohibited before, shall have their safe and sure conduct to depart out of, and to come into England, and to tarry in and go through England, as well by land as by water; to buy and sell, without any manner of evil toils, by the old and rightful customs, unless in time of war. And if they be of a land-making war against us, and be found in our realm at the beginning of the wars, they shall be attached without harm of their bodies or goods, until it be known unto us, or our chief of justice, how our merchants be treated there, in the land making war against us. And if ours be safe there, theirs shall be so with us. (It shall be lawful, for the time to come, for any one to go out of our kingdom, and return safely and securely by land or by water, saving his allegiance to us; unless in time of war, by some short space, for the common benefit of the kingdom, except prisoners and outlaws (according to the law of the land), and people in war with us, and merchants who shall be in such condition as is above mentioned.) 9 Edw. III. 1. 14 Edw. III. 22. 25 Edw. III. 1. 2. 2 Ric. II. 1. 11 Ric. II. 7.*

Chap. 31.—If any man hold of us any escheat, as of the honour of Wallingford, Nottingham, Boloign, or of any other escheats which be in our hands, and are baronies, and die, his heirs shall give no other belief, nor do no other service to us, than he should to the baron, if it were in the baron's hands. And we, in the same manner, shall hold it as the baron held it: neither shall we have, by occasion of any barony or escheat, any escheat or keeping of any of our men, unless he that held the barony or escheat or otherwise held of us in chief. 1 Edw. III. 13. 1 Edw. VI. 4.

Chap. 32.—No freeman from henceforth shall give or sell

* The commercial prosperity of England is owing, in a great degree, to the observance, at all times, of chap. 30 of this charter.

any more of his land, than that, of the residue of the lands the lord of the fee may have the services due to him, which belongeth to the fee. Stat. 18 Edw. I. *Quia emptores terrarum.* (We will not make any justiciaries, constables, sheriffs, or bailiffs, but what are knowing in the law of the realm, and are disposed duly to observe it.)

Chap. 33.—All patrons of abbies, who have the king's charters of England of advowson, or have old tenure or possession of the same, shall have the custody of them, when they shall void, as they were wont to have, as it is afore declared in the fifth chapter. The remainder of this long chapter relates chiefly to the forests (see *Charta Foresta*). It also provides that, if any one hath been dispossessed, or deprived by us, without the legal judgment of his peers, of his lands, castles, liberties, or right, we will forthwith restore them to him; and if any dispute arises upon this head, let the matter be decided by the five-and-twenty barons. The remainder refers to the crusades, and passed away with those expeditions.

Chap. 34.—No man shall be taken or imprisoned upon the appeal of a woman, for the death of any other than her husband. (All unjust and illegal fines, and all americiaments imposed unjustly, and contrary to the law of the land, shall be entirely forgiven, or else be left to the decision of the five-and-twenty barons, &c.) If we have disseised, or dispossessed the Welsh of any lands, liberties, or other things, without the legal judgment of their peers, they shall immediately be restored to them; and if any dispute arise upon this head, the matter shall be determined in the Marches, by the judgment of their peers; for tenements in England, according to the law of England; for tenements in Wales, according to the law of Wales; the same shall the Welsh do to us and our subjects, &c.

Chap. 35.—No county court from henceforth shall be holden but from month to month; and where greater time hath been used, there shall be greater. (Vid. 2 Edw. VI. 25.) Nor any sheriff, nor his bailiff, shall keep his turn in the hundred, but twice in the year; and nowhere, but

in a due and accustomed place; that is to say, once after Easter; and again after the feast of St. Michael. And the view of frank-pledge shall be likewise at the feast of St. Michael, without occasion. So that every man may have his liberties which he had, or used to have, in the time of King Henry, our grandfather, or which he hath purchased since. The view of frank-pledge shall be so done, that our peace may be kept; and that the trithing be kept entire, as it hath been accustomed; and that the sheriff seek no occasions; and that he be content with that which the sheriff was wont to have, for the making of his view, in the time of King Henry, our grandfather. Stat. Marlbrig., chap. 10. 31 Edw. III. 15.

Chap. 36.—Neither shall it be lawful, from henceforth, for any to give his lands to any religious house, and to take the same lands again to hold of the same house. Nor shall it be lawful for any religious house to take the lands of any, and to let it to him to hold, of whom he received it. If any from henceforth shall so give his land to any religious house, and upon this shall be convicted, his gift shall be utterly void, and the land shall fall to the lord of the fee. Stat. de Religiosis, 3 Edw. I.

Chap. 37.—Escuage from henceforth shall be taken as it was wont to be in the time of King Henry, our grandfather (and that the sheriff vex no man, and be content with what the sheriff was wont to receive).

Chap. 38.—Saving to all archbishops, bishops, abbots, priors, templars, hospitalers, earls, barons, and all others, as well ecclesiastical as secular persons, all their liberties, and free customs, which they had before: and all these customs and liberties aforesaid, which we have granted to be holden in this our realm (as much as appertaineth to us), we shall observe towards ourselves and our heirs. And all men of this our realm, as well spiritual as temporal (as much as appertains to their part), shall observe the same towards themselves and their heirs. And for this our gift and grant of these liberties, and of others contained in our Charter of the Liberties of our Forest, the archbishops, bishops, abbots, priors, earls, barons, knights, freeholders, and all others of our realm, have

given unto us the fiftenth part of all their moveables. 25 Edw. III. We have also granted to them, for us and our heirs, that neither we, nor our heirs, will promote or do anything whereby the liberties contained in this charter shall be infringed or weakened. And if anything be procured by any person contrary to this, it shall be of no value; and liberties which we have granted to be holden in our kingdom, as much as it belongs to us, towards our people, all our subjects, as well clergy as laity, shall observe, as far as they are concerned, towards their dependents. And whereas for the honour of God, and the amendment of our kingdom, and for quieting the discord that has arisen between us and our barons, we have granted all the things aforesaid. Willing to render them firm and lasting (for ever), we do give and grant our subjects the following security—namely, that the barons may choose five-and-twenty barons of the kingdom, whom they think convenient, who shall take care, with all their might, to hold and observe, and cause to be observed, the peace and liberties we have granted them, and by this our present charter confirmed. So as that if we, our justiciary, our bailiffs, or any of our officers, shall in any case fail in the performance of them towards any person; or shall break through any of these articles of peace and security, and the offence be notified to four barons, chosen out of the five-and-twenty afore mentioned, the said four barons shall repair to us, or our justiciary, if we are out of the realm, and laying open the grievance, shall petition to have it redressed without delay; and if it is not redressed by us, or if we should chance to be out of the realm, if it is not redressed by our justiciary within forty days, reckoning from the time it has been notified to us, or to our justiciary, if we should be out of the realm, the four barons aforesaid shall lay the cause before the rest of the five-and-twenty barons; and the said five-and-twenty barons, together with the community of the whole kingdom, shall distrain and distress us all the ways possible; namely, by seizing our castles, lands, possessions, and in any other manner they can, until the grievance be redressed according to their

pleasure, saving harmless our own person, and the person of our queen and children; and when it is redressed, they shall obey us as before. And any person whatsoever in the kingdom may swear that he will obey the orders of the five-and-twenty barons aforesaid in execution of the premises, and that he will distress us, jointly with them, to the utmost of his power; and we give public and free liberty to any one that will swear to them, and never shall hinder any person from taking the same oath. As for all those of our subjects who will not, of their own accord, swear to join the five-and-twenty barons in distraining and distressing us, we will issue our order to make them take the same oath as aforesaid. And if any of the five-and-twenty barons die, or go out of the kingdom, or is hindered any other way from putting the thing aforesaid in execution, the rest of the said five-and-twenty barons may choose another in his room, at their discretion, who shall be sworn in like manner as the rest; and whatever is agreed upon, or enjoined by the major part of those who are present, shall be reputed as firm and valid as if all the five-and-twenty had given their consent; and the aforesaid five-and-twenty shall swear that all the premises they shall faithfully observe, and cause with all their power to be observed. And we will not, by ourselves or others, procure anything whereby any of these concessions and liberties be revoked or lessened: and if any such thing be obtained, let it be null and void; neither shall we ever make use of it either by ourselves or any other. We have moreover granted them our letters patent, testimonial of Stephen Lord Archbishop of Canterbury, Henry Lord Archbishop of Dublin, and the bishops aforesaid, as also of Master Pandulph, for the security and concessions aforesaid. Wherefore we will, and firmly enjoin, that the Church of England be free, and that all men in our kingdom have and hold all the aforesaid liberties, rights, and concessions, truly and peaceably, freely and quietly, fully and wholly, to themselves and their heirs, of us and our heirs, in all things and places for ever, as is aforesaid. It is also sworn, as well on our part as on the part of the barons, that all the things aforesaid shall

faithfully and sincerely be observed. Given under our hand, in the presence of the witnesses above named, and many others, in the meadow called Runingmede, between Windsor and Staines, the 15th day of June, in the seventeenth year of our reign (1215).

Note 7. Page cvii.

LANDS AND EXCHEQUER OF THE JEWS.

“ The King of *England* was wont to draw a considerable revenue from the *Jews* residing in this realm, by tallages, fines, amercia, ransoms, and compositions, for the king’s protection, for license to trade and negotiate, discharges for imprisonment, &c. He could tallage the whole community or body of them at pleasure; and make them answer the tallages for one another. He was absolute lord of their estates, effects, persons, wives and children. He let them enjoy their trade and *acquests*, but they seemed to trade and acquire for his profit as well as their own; for at one time or another, their fortunes, or great part of them, came into his coffers. They were a numerous body in the great towns of the realm, and by traffic, usuries, and mortgages, they became very wealthy in money and land. But as they fleeced the subjects of the realm so the king fleeced them.” Maddox, Hist. Exch.



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